



## MEETING MINUTES

# Planning & Zoning Commission

Thursday, August 9, 2018

### AGENDA

- 1. BSD SRN – H Block  
18-041WR** **PIDs: 273-012751 & 273-012752  
Waiver Review (Tabled 4 – 0)**
- 2. BSD SRN – Bridge Park, Blocks A, B, & C Amendment  
18-043MSP** **6515 Longshore Loop  
Master Sign Plan (Approved 4 – 0)**
- 3. PUD, Perimeter Center, Subarea L – Panera Bread Roofing Modification  
18-047AFDP** **6665 Perimeter Loop Road  
Amended Final Development Plan (Approved 4 – 0)**

The Vice Chair, Steve Stidhem, called the meeting to order at 6:30 p.m. and led the Pledge of Allegiance. Other Commission members present were: Warren Fishman, William Wilson, and Bob Miller. Kristina Kennedy and Jane Fox were absent. City representatives present were: Claudia Husak, Vince Papsidero, Thaddeus Boggs, Lori Burchett, JM Rayburn, Richard Hansen, and Flora Rogers.

### Administrative Business

#### Motion and Vote

Mr. Fishman moved, Mr. Miller seconded, to accept the documents into the record. The vote was as follows: Mr. Stidhem, yes; Mr. Wilson, yes; Mr. Miller, yes; and Mr. Fishman, yes. (Approved 4 – 0)

#### Motion and Vote

Mr. Fishman moved, Mr. Miller seconded, to approve the minutes from the meetings on June 7 and June 21, as presented. The vote was as follows: Mr. Stidhem, yes; Mr. Wilson, yes; Mr. Miller, yes; and Mr. Fishman, yes. (Approved 4 – 0)

The Vice Chair explained the rules and procedures of the Planning and Zoning Commission. He stated case 18-041WR - Block H was requested to be tabled prior to the meeting. He added the other two cases were on the Consent Agenda but were pulled off as several of the Commissioners wanted to hear them in their entirety before voting vote. He determined the cases would be heard in the order they were published on the agenda.



### **Motion and Vote**

Mr. Miller moved, Mr. Fishman seconded, to approve the request for amendments to the Master Sign Plan with the four conditions as presented.

- 1) That the applicant update the Master Sign Plan to reflect the total number of signs for building A1 within Level 2 not to exceed five signs for separate individual tenants;
- 2) That the applicant update the details regarding approval and administration of the Tenant Window Screening sign type to reflect the process;
- 3) That Window signs for building A1 be permitted only for non-office tenants located within the first story; and
- 4) That the applicant provide an approved Master Sign Plan containing all approved amendments to Planning, prior to sign permitting.

The vote was as follows: Mr. Wilson, yes; Mr. Stidhem, yes; Mr. Fishman, yes; and Mr. Miller, yes. (Approved 4-0)

### **3. PUD, Perimeter Center, Subarea L – Panera Bread Roofing Modification** **18-047AFDP** **6665 Perimeter Loop Road** **Amended Final Development Plan**

The Vice Chair, Steve Stidhem, said the following application is a proposal for the replacement of the existing cedar shake shingles with replica asphalt shake shingles on an existing restaurant zoned Planned Unit Development District, Perimeter Center, Subarea L. He said the site is west of Perimeter Loop Road, approximately 350 feet northwest of the intersection with Mercedes Drive. He said this is a request for a review and approval of an Amended Final Development Plan under the provisions of Zoning Code Section 153.050. He said the Commission has final authority over this application and witnesses will need to be sworn in.

The Vice Chair swore in witnesses that intended to address the Commission with regard to this case.

J.M. Rayburn said the Perimeter Center Planned Commerce District initially was adopted and passed in 1988 and the Final Development Plan was approved in 2001. He said tonight the Amended Final Development Plan is being reviewed to replace the existing cedar shakes with asphalt shingles. He presented an aerial view of the site that is south of the Shell and Get-Go stations, southeast of Walgreens, and east of the Dublin Methodist Hospital.

Mr. Rayburn said Staff has documented the existing conditions with photographs for each elevation, which he presented. He said the applicant said the roof is in need of repair. Due to maintenance issues, he said, the applicant is proposing to replace the existing cedar shakes with a light color chestnut presidential shake that is an asphalt shingle design made to look like cedar shingles. He said the shingle preservations state 355 pounds per square foot, which exceeds the 325-pound weight requirement specified in the development text.

Mr. Rayburn reported Staff has concluded that this proposal is consistent with all the applicable review criteria; therefore, approval is recommended for the Amended Final Development Plan Review with no conditions. He concluded by stating the applicant was present to answer any questions.

Steve Stidhem indicated there is a lot of history with this development in terms of the shake shingles. He said he wanted to ensure this tenant makes the modifications to appear like the other tenants. Mr. Rayburn said they selected the Chestnut because it is a lighter color that appears most like a cedar shake shingle. And it looks very similar to what is on Key Bank, which was approved in 2012.

Claudia Husak said through a site visit, Staff found one roof to be the old and one with the new and it was surprising how close it was in terms of color matching.

William Wilson was concerned about the quality and if that was the same. Ms. Husak said Staff was not requesting a certain brand but for the shingles to be cut to look the same.

Warren Fishman said he could not be convinced that asphalt shingles look like cedar shake shingles. He indicated that cedar shake has been replaced around Dublin with asphalt and it certainly does not look like cedar shake. He reported he was on the Commission when this center was originally built. At one time, he said that area was one of the entrance ways to Dublin. He said he also has a shake roof on his brick house, which is an appealing aesthetic. He referred to the Planning Report that stated maintenance was an issue. He said it looks like it is 41 years old this year. He said every seven years or so, he hires someone to fix and maintain in order to preserve it.

Mr. Stidhem said the Commission has wrestled with this for quite some time. He mentioned that a previous Commissioner had stated that if cedar shakes are properly installed and maintained, the shake will last longer than asphalt. He agreed with Mr. Fishman that is one of the things most of the public will not notice. He said he is torn on this due to the history of the development. He said it is obvious that this roof needs work and he is okay with the proposal.

Bob Miller said he would absolutely not put cedar shake on his house because he does not prefer that style. He said asphalt does not cost as much. He said he did not think the perception is worth the money for cedar and clarified that was his personal preference.

Mr. Fishman said, one of the things he has noticed in Columbus is that most of the time, shake is not installed properly. He said he lived in a house in Kansas City with a beautiful shake roof and it is still there, 50 years later. Cedar shake should not be placed on plywood because it cannot breathe and mold forms from the moisture. He said he respected Mr. Miller's preferences.

Mr. Miller said he just wanted Mr. Fishman to know where he stood. He said the roof on the Shell gas station looks in poor condition. He said that could be the result of how it was installed and that is probably why he does not prefer shake roofs.

Ms. Husak said as big as Perimeter Center is, the subareas are very small so the rules are different for certain areas. McDonald's for example, she said, has the same requirements in the development text as this subarea does but that is one of the flattest, non-dimensional roofs in the City and that was approved under the same rules as this was. She indicated this is a quandary because there is not consistency. She noted Craughwell Village had to go through a more extensive process and Council to ask for that roof because that was one of subareas that only allowed cedar shake shingles. She stated cedar shake is the only permitted roof material at the shopping center at Giant Eagle. She said we are left with that subarea that only allows one single roof material; all the other subareas allow an asphalt shingle.

Mr. Fishman said he hates to see downgrading. He said Kroger across the street did not want cedar shake and went with a slate material and that is what he would like to see since it is a higher quality material than the asphalt. He said there are other roof alternatives other than asphalt shingles. He noted the Commission has always said modifications should not be made for economic reasons but could be changed for improvement, etc.

Mr. Miller said he likes the aesthetic of slate roofs. He said Mr. Fishman makes a good point that the applicant is trying to use a lower cost material and the Commission could have shifted away from the shakes towards the slate or standing seam roof, etc. He indicated that since this particular structure, has a small roof, he still liked the proposed asphalt shingle and does not think people will notice it is changed. He said he does not think the product will downgrade the quality of the overall development, to which Mr. Fishman agreed.

Mr. Wilson said he agreed with Mr. Fishman but at the same time, if we are looking for any different type of roof, asphalt might be the appropriate alternative. He said people might notice if standing seam metal or slate is used. While asphalt is not as high quality, he said, it will not be noticeably different. He said he sees both sides.

Mr. Stidhem said he is not a fan of cedar shake shingles but that is probably because he has seen them in deteriorating condition. He suggested the Commission request consistency whenever they possibly can. He said the asphalt shingle has been permitted in other areas and believes it would be an improvement of the current conditions.

Mr. Fishman questioned setting a precedent. Mr. Stidhem said the Commission has that discussion quite often.

Thadd Boggs said every parcel is unique so while past actions can be illuminating in terms of thought processes, even subtle distinctions between different parcels makes a difference and certainly it makes a difference legally in terms of whether "precedent" might be set versus examples of other things that have been done.

Mr. Fishman concluded this building is not a significant enough building to have much concern and there are two out of four members here tonight that do not like cedar shake shingles.

The Vice Chair called for a motion to approve the Amended Final Development Plan Review.

#### **Motion and Vote**

Mr. Miller moved, Mr. Wilson seconded, to approve the request for the Amended Final Development Plan with no conditions. The vote was as follows: Mr. Stidhem, yes; Mr. Fishman, yes; Mr. Wilson, yes; and Mr. Miller, yes. (Approved 4 - 0)

#### **COMMUNICATIONS**

~~Bob Miller asked why Block H was requested to be tabled. Claudia Husak answered it was based on the installation of the sample. She said they sent out an email yesterday where they had provided a small section of the material they proposed to be used on Tuller Ridge Drive, and it ended up the developer did not love it so the applicant is taking a step back to consider other options.~~

~~Mr. Miller asked why development was going so slow on that site. Lori Burchett indicated that the developer had said it was the shortage of construction materials and labor. Vince Papsidero indicated there was a county-wide shortage for masons.~~

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Held

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(YEAR)

Ms. Clarke stated that staff will note the preliminary plat accordingly.

Mr. McCash moved to amend the conditions to eliminate the requirement for the applicant to install a left-turn lane on Tuttle Road.

Mr. Peterson seconded the motion.

Vote on the motion: Mr. Adamek, yes; Mr. Peterson, yes; Mrs. Boring, no; Mr. McCash, yes; Ms. Chinnici-Zuercher, yes; Mr. Reiner, no; Mayor Kranstuber, yes.

Vote on the Ordinance: Mr. McCash, yes; Mrs. Boring, no; Mayor Kranstuber, yes; Mr. Reiner, no; Mr. Adamek, yes; Mr. Peterson, yes; Ms. Chinnici-Zuercher, yes.

Mr. Adamek moved to grant the sidewalk waiver and the street tree waiver per the May 17th memorandum for the rezoning application for Llewellyn Farms South.

Mr. Peterson seconded the motion.

Vote on the motion: Mayor Kranstuber, yes; Mr. Reiner, no; Ms. Chinnici-Zuercher, no; Mr. McCash, yes; Mrs. Boring, yes; Mr. Peterson, yes; Mr. Adamek, yes.

**Ordinance 07-01 – An Ordinance Providing for a Change in Zoning for 1.401 Acres Located on the West Side of Avery Road, 300 Feet North of Corporate Centre Drive, from: PIP, Planned Industrial Park, to: SO, Suburban Office and Institutional District (File No. 00-119Z – Northwest Corporate Centre – 5695 Avery Road) (Applicant: Mid-States Development Corporation, c/o Randall Asmo, 6360 Rings Road, Amlin, Ohio 43002)**

Ms. Clarke stated that this area has had a township zoning of Planned Industrial Park, which eventually must be rezoned to a Dublin classification. Under the PIP zoning from the township, office use was a permissible use. Last summer, the applicant received a variance from the Board of Zoning Appeals related to sideyard and parking spaces. One of the conditions was that the land be rezoned to an appropriate district, SO, Suburban Office and Institutional. This resolves the condition on their variance.

Vote on the Ordinance: Mr. Adamek, yes; Mayor Kranstuber, yes; Mr. Reiner, yes; Mrs. Boring, yes; Ms. Chinnici-Zuercher, yes; Mr. McCash, yes; Mr. Peterson, yes.

**Ordinance 33-01 – An Ordinance Providing for a Change in Zoning for 1.959 Acres Located on the South Side of Perimeter Loop Road, Approximately 750 Feet East of Muirfield-Avery Drive from: PCD, Planned Commerce District, to: PCD, Planned Commerce District. (File No. 01-022Z – Perimeter Center Subarea E – Panera Bread – 6665 Perimeter Loop Road). (Applicant: Benjie Enterprises, Inc., c/o Don Weaver, 2221 Teardrop Avenue, Columbus, Ohio 43235)**

Mr. Gibson stated that this is a request for a minor revision to the Perimeter Center Planned Commerce District. The application includes the creation of a new Subarea L from a two-acre portion of Subarea E. The modifications include three main parts: (1) the addition of outdoor seating as a conditional use; (2) the increase of permitted height from 28 feet to 32 feet for the structure; and (3) the reduction of required parking spaces from 117 to 82. Mr. Gibson showed slides of the site. The Planning and Zoning Commission recommended approval on April 15, 2001 with the following two conditions:

- (1) That the text be revised to reflect outdoor dining as a "conditional use" rather than a "permitted use," and that outdoor music or loudspeakers, outdoor advertising on umbrellas, and outdoor winter storage of furniture be prohibited; and
- (2) That if it is deemed necessary by Dublin Code Enforcement, that parking spaces be added, subject to staff approval.

Mrs. Boring referred to page 73 of the Perimeter Center Development Text and stated that this text applies to the new subarea, not to one particular applicant, i.e. Panera Bread. Mrs. Boring moved to amend page 73 of the text, Item #3 under "Height" to remove the applicant's name and read, "Building height shall not exceed 32' at the peak of the pitched roof."

Ms. Chinnici-Zuercher seconded the motion.

Vote on the motion: Mr. Adamek, yes; Mr. Peterson, yes; Mr. McCash, yes; Mrs. Boring, yes; Mr. Reiner, yes; Mayor Kranstuber, yes; Ms. Chinnici-Zuercher, yes.

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Mrs. Boring referred to page 69 of the text and suggested that the word "the" be changed to "a" 5,000 square foot restaurant. This also removes reference to a specific applicant. Mr. Gibson agreed to administratively make that minor change.

Mr. McCash stated that he has a concern with the site layout. The trash enclosure faces Avery-Muirfield, and there has been a consistent problem with the trash hauler leaving the doors of such enclosures open. It would be preferable if the doors faced the restaurant rather than the road. In that case, if the doors were left open, there would be an incentive for the owner to close them.

Mr. Gibson responded that staff discussed this issue with the applicant. It is the applicant's position that in terms of access and circulation, this is the best alternative. The applicant addressed the issue by adding the feature of the 8' brick wall to conceal the service structure.

Mr. McCash stated that this is a restaurant with sloped roof, but nothing is specified showing provision for exhaust fans, which are typically roof-mounted, nor for screening of such fans.

Mr. Gibson responded that deep-frying is not part of the cooking process for this restaurant, a process which requires the large hoods. The vents are located on the side of the building and are well concealed.

Mr. McCash inquired about provision for satellite dish antennae.

Mr. Gibson stated that two small dishes are proposed, and staff requested that they be painted to match the surrounding material and that they be concealed to the extent possible.

Mr. McCash asked if they are building or ground mounted.

Mr. Gibson responded that he does not know.

Mr. McCash asked the applicant if they could be ground mounted.

Don Weaver, project architect, stated that the applicant proposes one small satellite dish, which is required to face a certain direction. He is unsure if it could be ground-mounted, but can verify that.

Mr. Reiner stated that a ground-mounted dish could be more unsightly than a wall-mounted, concealed dish. Also, if the landscape screening becomes wet and drips water on the dish, it may ruin the reception of the dish.

Mrs. Boring agreed that she could not see the advantage in a ground-mounted dish and wondered if liability might actually be higher with a ground-mounted dish.

Mr. McCash stated that residents are beginning to attach satellite dishes in different locations on their houses, which can be obtrusive. On the ground it is less intrusive to the architecture of the building.

Mr. Adamek moved to approve ordinance 33-01.

Mr. Peterson seconded the motion.

Mr. McCash moved to add the following conditions:

- (1) amend the text to provide that the trash enclosure be kept in a closed condition; and
- (2) that the satellite dish be located in the more aesthetically pleasing position, ground or wall-mounted, as determined by staff.

Mayor Kranstuber seconded the motion.

Vote on the motion: Mr. Adamek, yes; Mr. Peterson, yes; Mr. McCash, yes; Mrs. Boring, yes; Ms. Chinnici-Zuercher, yes; Mayor Kranstuber, yes; Mr. Reiner, yes.

Vote on the Ordinance: Mrs. Boring, yes; Mr. McCash, yes; Mr. Peterson, yes; Mr. Adamek, yes; Mr. Reiner, yes; Mayor Kranstuber, yes; Ms. Chinnici-Zuercher, yes;

**Ordinance 34-01(Amended) – An Ordinance to Establish Dublin Zoning for**

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## PLANNING AND ZONING COMMISSION

### RECORD OF ACTION

APRIL 19, 2001

CITY OF DUBLIN

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

Phone/TDD: 614-410-4600  
Fax: 614-761-6566  
Web Site: www.dublin.oh.us

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

5. **Development Plan/Conditional Use 01-023DP/CU - Perimeter Center Subarea L - Panera Bread - 6665 Perimeter Loop Road**  
**Location:** 1.959 acres located on the west side of Perimeter Loop Drive, immediately north of the US 33/SR 161 off-ramp.  
**Existing Zoning:** PCD, Planned Commerce District (Perimeter Center – revision pending).  
**Request:** Review and approval of a conditional use and development plan under the provisions of Section 153.051 and 153.236.  
**Proposed Use:** A 5,000 square-foot restaurant with six tables for outdoor seating.  
**Applicant:** Benjie Enterprises, Inc., c/o Don Weaver, 2221 Teardrop Avenue, Columbus, Ohio 43235.

**MOTION:** To approve this development plan/conditional use because it is consistent with the Perimeter Center composite plan, and continues the high quality architectural character of the surrounding development, with 12 conditions:

- 1) That the outdoor dining area conform to the pending Perimeter Center Planned Commerce District Development Text as it may be amended by City Council;
- 2) That the colors and materials (brick, stone, roof, awnings, sign background, etc.) be revised to match the Perimeter Center materials scheme and color palette, subject to staff approval;
- 3) That the landscape plan be revised to meet Code, the text, and the comments contained in this staff report, subject to staff approval;
- 4) That all plans be revised to reflect the engineering comments contained in this staff report, subject to staff approval;
- 5) That the signs be revised to meet Code for primary and secondary image and that the materials be changed to be externally illuminated and non-vinyl and to meet the pre-approved materials and color scheme for the Perimeter Center PCD, subject to staff approval;
- 6) That evidence of recorded cross easement agreements be provided prior to the issuance of building permits;

**PLANNING AND ZONING COMMISSION  
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**5. Development Plan/Conditional Use 01-023DP/CU - Perimeter Center Subarea L - Panera Bread - 6665 Perimeter Loop Road (Continued)**

- 7) That if it is deemed necessary by the Dublin Code Enforcement office, that parking spaces be added, subject to staff approval;
- 8) That details for the light fixture styles shown on the elevation drawings (the wall "Light Fixture" and the "Gooseneck Light Fixture") be submitted;
- 9) That parking curbs be increased from six inches to eight-inches in the parking areas adjacent to the outdoor seating area;
- 10) That rooftop mechanicals be screened according to Code;
- 11) That all noise producing services (as measured just off-site) be limited to the hours of 7:00 a.m. to 9:00 p.m., as required by Code, and that a sign be mounted on the inside of the dumpster gates indicating the limitation on those services, and that the dumpster doors must remain closed at all times; and
- 12) That the applicant schedule a pre-submittal meeting after all the above conditions have been resolved to the satisfaction of staff and prior to applying for building permits.

\* Michael Braunstein, attorney, agreed with the above conditions.

VOTE: 5-0.

RESULT: This development plan/conditional use was approved.

STAFF CERTIFICATION

  
Kyle Ezell  
Senior Planner