Planning and Zoning Commission
January 21, 2021

20-183AFDP – AVERY SQUARE SHOPPING CENTER – TIM HORTONS – MENU BOARD SIGNS

Summary
This is a request for review of a Minor Text Modification to permit removal and replacement of existing menu board signs with digital menu board signs for an existing drive-thru restaurant located within the Avery Square PUD.

Site Location
Northwest of the intersection of Avery-Muirfield Drive and Hospital Drive.

Zoning
PUD, Planned Unit Development District – Avery Square Shopping Center

Property Owners
CRI Outparcels LLC

Applicant/Representative
Eric Kerns, Applicant

Applicable Land Use Regulations
Zoning Code Section 153.050

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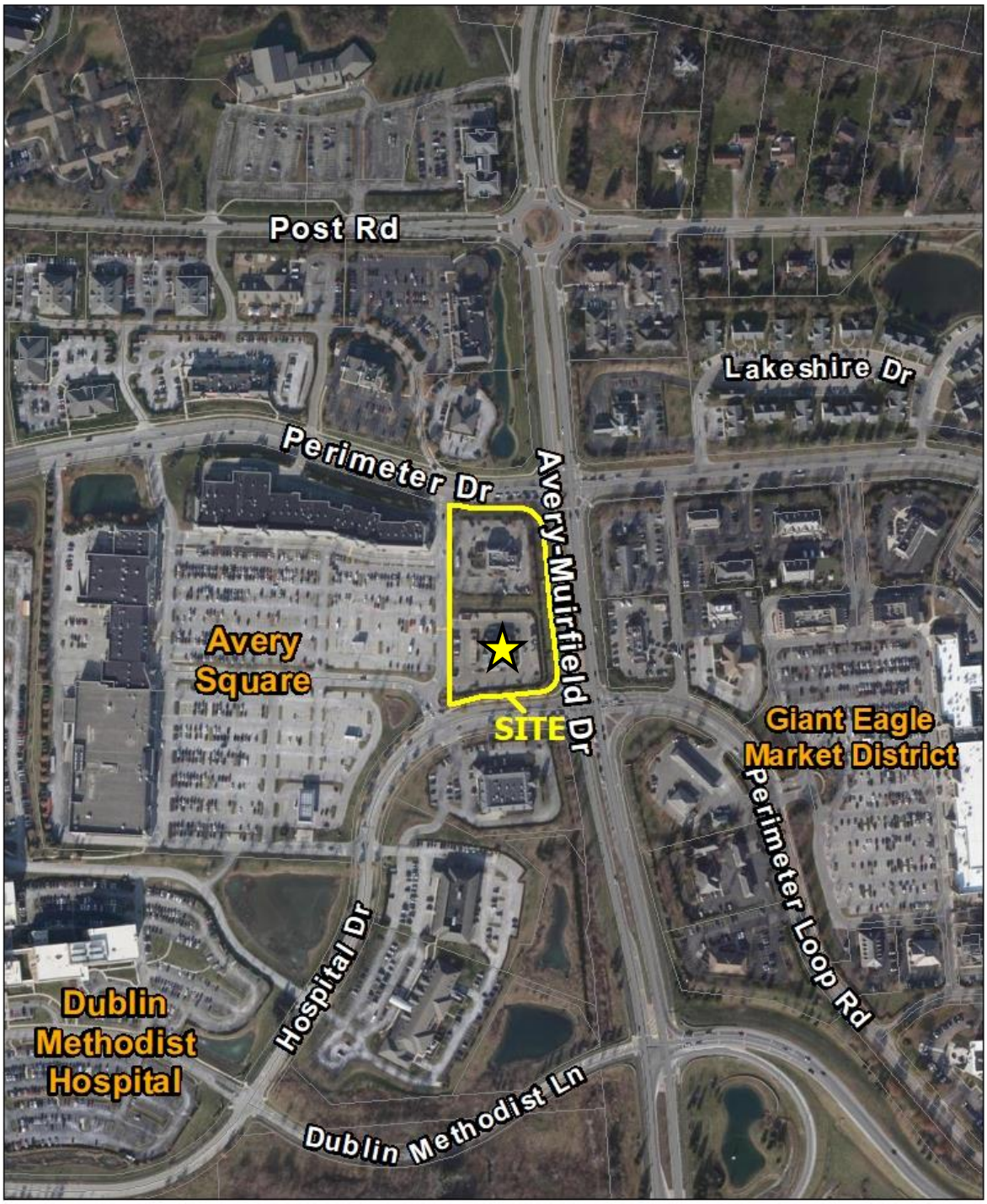
Zoning Map

Next Steps
Upon approval from the Planning and Zoning Commission for the Amended Final Development Plan, the applicant is eligible to file for building permits and sign permits.

1. Context Map



City of Dublin

20-183AFDP
Amended Final Development Plan
Avery Square Shopping Center - Tim Horton's
6850 Hospital Drive

0 155 310
Feet

2. Overview

Background

6850 Hospital Drive is an outparcel located within the Avery Square Shopping Center Planned Unit Development (PUD) District. The building is occupied by both Tim Hortons and Wendy'. The PUD is split between two subareas: the retail center and the Avery-Muirfield Drive outparcels. This site is located in the outparcel subarea. The Tim Hortons/Wendys building is located on the same 3.17-acre parcel as Burger King to the north.

Amended Final Development Plan application with Minor Text Modifications have recently been approved to permit digital menu boards for Popeye's Louisiana Kitchen in 2020, Perimeter Center McDonald's in 2018, and Tuttle Crossing McDonald's in 2018. The Avery Square development text currently does not permit digital menu boards. The development text refers to the Zoning Code as such does not contemplate this technology further. The text states "No flashing, traveling, animated or intermittently illuminated signs may be used". The applicant is requesting a text modification to allow for digital menu boards similar to previously approved boards in Dublin.

Site Characteristics

Natural Features

The site is fully developed with no natural features.

Surrounding Land Use and Development Character

North: PCD, Planned Commercial Development District (Riverside North)
East: PUD, Planned Unit Development District (Perimeter Center)
South: PCD, Planned Commercial Development District (Riverside)
West: PUD, Planned Unit Development District (Avery Square)

Road, Pedestrian and Bike Network

The site has frontage to the east on Avery-Muirfield Drive (±250 feet) and to the south on Hospital Drive (±300 feet). The site has two vehicular access points from a private access drive to the west of the site. Sidewalks are located along the Avery-Muirfield Drive, Hospital Drive, and access drive frontages.

Proposal

This is a request for review and approval of an Amended Final Development Plan with a text modification for the removal and replacement of two existing menu board signs with digital menu board signs for the Tim Hortons drive-thru restaurant.

The Code and development text limit menu boards to 32 square feet in size. The code requires that menu boards not be visible from the public right-of-way, and in all cases prohibits travelling, flashing, scrolling, or animated signs.

Existing Menu Board

Presently, the Tim Hortons restaurant has a pre-browse menu, order speaker with menu extender, and primary menu board. The pre-browse menu board is 21 square feet and the primary menu board is 33 square feet. Both menu boards are on the south side of the building, with the pre-browse menu 49 feet – 5 inches to the west of the main menu board.

Proposed Menu Boards
A new pre-browse menu and primary digital menu board are proposed to replace two existing single face signs. In detail, the proposed signs are as follows:

- Digital pre-browse menu board – 7.64-square-foot in size; and,
- Digital primary menu board three-panel digital menu board sign with an integrated speaker – 22.61-square-foot in size.

The applicant will utilize the existing locations for both signs. Although the menu boards are required by Code to not be visible from the public right-of-way, the existing locations of the menu boards are screening by landscape from Hospital Drive to the south.

Previous applications have submitted for pre-browse menu board signs and have been denied by Planning and Zoning Commission. Although the site has an existing pre-browse menu board, Staff is recommending that the applicant remove the proposed digital menu board from the proposal to follow precedent set forth with previous applications.

Minor Text Modification
A Minor Text Modification is required to permit a digital menu board. In 2020, the Commission approved an electronic menu board for Popeye's Louisiana Kitchen located in Subarea A1 of the I-270/Tuttle Road PCD. The Commission approved a text modification as follows:

1) The sign is located on the property to which it refers;
2) The sign is not visible from the public right-of-way;
3) The sign does not exceed 32 square feet in size;
4) The sign does not contain continuous movement, flashing, scrolling, video, or animation, except for the customer order image which shall not exceed more than 20% of the menu board sign area;
5) The sign is turned off during non-operational business hours;
6) The sign does not contain any additional speakers or sound; and,
7) The sign changes no more than three times per day.

3. Criteria Analysis

Minor Text Modification [§153.053(E)(2)(b)(4)(b)]

1) The Planning and Zoning Commission determines that, for this Planned District, the code compliance is not needed in order to ensure that the Planned District is consistent with the Community Plan and compatible with existing, approved, or planned adjacent development;
2) The Planning and Zoning Commission determines that the proposed modification does not significantly alter the list of permitted or conditional uses, cause an inappropriate increase in density or cause inconsistencies with the Community Plan;
3) The proposed modification results in a development of equivalent or higher quality than that which could be achieved through strict application of the requirement(s);
4) The principles of §153.052(B) are achieved; and

5) The development, as proposed on the final development plan, will have no adverse impact upon the surrounding properties or upon the health, safety or general welfare of the community.

Request. To modify the development text; under Development Standards for Avery Muirfield Drive Outparcels, Signage and Graphics sub-section: (m.) Avery Muirfield Drive Outparcels shall be permitted one digital menu board per tenant in accordance with the following:

1) The sign is located on the property to which it refers;
2) The sign is not visible from the public right-of-way;
3) The sign does not exceed 32 square feet in size;
4) The sign does not contain continuous movement, flashing, scrolling, video, or animation, except for the customer order image which shall not exceed more than 20% of the menu board sign area;
5) The sign is turned off during non-operational business hours;
6) The sign does not contain any additional speakers or sound; and,
7) The sign changes no more than three times per day.

Criteria met. The proposed text modification does retain consistency with the recommendations of the Community Plan and allows the development to operate in an orderly and efficient manner. Digital menu boards represent technological advancement which allows for clearer, updated menu content. The digital menu board is of equal or higher quality to what is permitted within the City of Dublin Sign Code.

Amended Final Development Plan §153.055(B)

1) The plan conforms in all pertinent respects to the approved preliminary development plan.
   Criteria met with Text Modification. The proposal, with the approved text modifications, is generally consistent with the preliminary development plan and requirements of the development text.
2) Adequate provision is made for safe and efficient pedestrian and vehicular circulations within the site and to the adjacent property.
   Criteria Met. No modifications to site circulation are proposed. The menu board is proposed to be located in the same location as existing allowing for safe vehicular movement.
3) The development has adequate public services and open spaces.
   Not Applicable. No modifications to public services or open spaces are proposed.
4) The development preserves and is sensitive to the natural characteristics of the site in a manner that complies with the applicable regulations set forth in the Code.
   Not Applicable. The site is developed. No modifications are proposed to the existing development pattern.
5) The development provides adequate lighting for safe and convenient use of the streets, walkways, driveways, and parking areas without unnecessarily spilling or emitting light onto adjacent properties or the general vicinity.
   Not Applicable. No modifications to site lighting are proposed.
6) The proposed signs are coordinated within the PUD and with adjacent development.
   Criteria Met with Condition. Digital menu board signs are appropriate to surrounding developments, and the request is of similar nature to previous applications that have been approved for digital menu boards with different applicants within the City. The applicant should

eliminate the digital pre-browse menu board from the proposal to follow precedent set forth with previous applications.

7) The landscape plan will adequately enhance the principle building and site; maintain the existing trees to the extent possible; buffer adjacent incompatible uses; break up large expanses of pavement with natural material; and provide appropriate plant materials for the buildings, site, and climate.
   Not Applicable. No modifications to landscaping are proposed.
8) Adequate provision is made for storm drainage within and through the site which complies with the applicable regulations in the Code and any other design criteria established by the city or any other government entity which may have jurisdiction over such matters.
   Not Applicable. No modifications are proposed to the site layout that impact storm drainage.
9) If the project is to be carried out in progressive stages, each stage shall be so planned that the foregoing conditions are complied with at the completion of each stage.
   Not Applicable. Phasing is not proposed as part of this application.
10) The proposed development is compliant with other laws and regulations.
   Criteria Met. The proposal meets all other applicable laws and regulations.

4. Recommendation

The proposed **Minor Text Modification** is consistent with all applicable review criteria. **Approval** is recommended for the following item:

1) To modify the development text; under Development Standards for Avery Muirfield Drive Outparcels, Signage and Graphics sub-section: m. Avery Muirfield Drive Outparcels shall be permitted one digital menu board per tenant in accordance with the following:
   (1) The sign is located on the property to which it refers;
   (2) The sign is not visible from the public right-of-way;
   (3) The sign does not exceed 32 square feet in size;
   (4) The sign does not contain continuous movement, flashing, scrolling, video, or animation, except for the customer order image which shall not exceed more than 20% of the menu board sign area;
   (5) The sign is turned off during non-operational business hours;
   (6) The sign does not contain any additional speakers or sound; and,
   (7) The sign changes no more than three times per day.

The proposed **Amended Final Development Plan** is consistent with all applicable review criteria. **Approval** of this application is recommended with one condition:

1) The applicant eliminate the pre-browse digital menu board from the proposal.