

## 21-128CP – BSD-SCN – MULTI-TENANT COMMERCIAL BUILDING (4000 W. DUBLIN- GRANVILLE ROAD)

### Summary

Construction of a ±6,900-square-foot, one-story, multi-tenant commercial building with drive-thru restaurant.

### Site Location

Approximately 500 feet northwest of the intersection of W. Dublin-Granville Road and Dublin Center Drive.

### Zoning

BSD-SCN, Bridge Street District – Sawmill Center Neighborhood District

### Property Owner

Banker Road LLC

### Applicant/Representative

Don Brogan, Crawford Hoying  
Brian McNally, Meyers Architects

### Applicable Land Use Regulations

Zoning Code Section 153.066(E)

### Case Manager



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### Zoning Map



# 1. Context Map



 <p>City of Dublin</p>	<p>21-128CP Concept Plan Multi-Tenant Commercial Building 4000 W. Dublin-Granville Road</p>	<p>0 95 190 Feet</p>	
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## 2. Overview

### Background

The site is located approximately 500 feet northwest of the intersection of W. Dublin-Granville Road and Dublin Center Drive. A majority of the surrounding properties were developed prior to being rezoned to the Bridge Street District (BSD) in 2012 (Ord. 07-12). The BSD requires all new development and comprehensive redevelopment to comply with the provisions of the form-based Code and meet the principles identified in the BSD Special Area Plan. The BSD is intended to create walkable, urban-style developments and neighborhoods.

Primrose School, located south of this site, is the closest property to the site that has recently been approved for new development in accordance with the BSD Code. The proposed site, presently undeveloped, is identified as one of the Lowe's development outparcels. These outparcels have strict deed restrictions that influence development of the site.

Deed restrictions are private agreements between property owners that are completely distinct from zoning regulations. The City is tasked with implementing the Community Plan and administering the Zoning Code incrementally over time. The City does not establish, apply, or enforce deed restrictions. As deed restrictions can change overtime and vary property to property, the Code does not require the City to consider deed restrictions as part of a Concept Plan review particularly when the deed restrictions may conflict with requirements of the Code. The Lowe's outparcel deed restrictions call for limits to the size of development (7,000 square feet), number of structures (1), height of structures (28 feet), and minimum parking requirements (5 parking spaces per 1,000 square feet for all uses and 10 per 1,000 square feet for restaurant). The review of this application is solely based on the applicable requirements of the Bridge Street Zoning Code.

### Process

The Code pertaining to the BSD development process was revised in Spring 2019 and Spring 2021. The revisions centered on the Review and Approval Process (Chapter 153.066) and eliminated the requirement of a review and recommendation from the ART. The adopted Code amendments also revised nomenclature for the required three-step approval to more closely align with those in the Planned Unit Development Process: Step 1 – Concept Plan (formerly Basic Plan), Step 2 – Preliminary Development Plan (formerly Site Plan), and Step 3 – Final Development Plan (formerly Development Plan). This application is a request for review and approval of a Concept Plan. The applicant requests the Commission's consider combining the Preliminary and Final Development Plan as this is a single building within an established lot in the Bridge Street District.

### Site Characteristics

#### *Natural Features*

The vacant site is relatively flat and contains a number of large mature trees on the western portion of the site. A low-lying entry feature is located in the southeast corner of the site, but does not serve any function to the current or surrounding sites. A decorative stone wall and a monument sign are located in the southeast corner of the site; the latter of which is proposed to remain with the development.

#### *Surrounding Zoning and Land Use*

North: BSD-SCN, Sawmill Center Neighborhood District (Commercial – Lowe's)



East: BSD-SCN, Sawmill Center Neighborhood District (Commercial – former Mellow Mushroom)  
South: BSD-O, Office District (Daycare/Vacant Land – Primrose School)  
West: BSD-O, Office District (Vacant Land – 4012 W. Dublin-Granville Road)

### *Road, Pedestrian and Bike Network*

The site has frontage on W. Dublin-Granville Road (±320 feet) to the south, a private Lowe's access drive (±250 feet) to the east, and Banker Drive (±200 feet) to the north. The section of Banker Drive to the north of the site is not public right-of-way and is currently located on Lowe's property. The site has three existing vehicular access points to the north along Banker Drive. There is a shared-use path to the south that extends along W. Dublin-Granville Road. There are no existing pedestrian or bicycle facilities internal to the Lowe's development. The Street Network Map requires the future extension of Village Parkway along the west portion of the site.

### *Utilities*

The site is serviced by public utilities. A 50-foot overhead electric easement runs along the western property line.

## **Code and Guidelines**

### *Neighborhood Standards*

The BSD Code establishes Neighborhood Districts where special attention to location and character of buildings, streets, and open spaces is important to establish a coordinated mix of uses that fulfills the objectives identified in the BSD Special Area Plan within the Community Plan. Each neighborhood anticipates the conceptual layout of critical elements including street connections, open spaces, and gateways.

The site is zoned BSD-SCN, Sawmill Center Neighborhood District. The intent of the Sawmill Center Neighborhood, as outlined in the BSD Code, is to provide an active, mixed-use, pedestrian-oriented environment through unique shopping, service and entertainment uses with supporting residential and office uses. Development design is encouraged to implement park-once visits, window shopping, impromptu gatherings and sidewalk activity. Development should be well connected to the existing and future streetscapes, while encouraging interconnected site layouts with well-defined pedestrian access. The site is not subject to potential gateway requirements or shopping corridor requirements, and prohibits commercial center building types.



### *Streets, Lots, and Blocks*

The Code provides a hierarchy of requirements for establishing a gridded street network. The Street Network Map, part of the Thoroughfare Plan, identifies three families of streets: Corridor Connectors, District Connectors, and Neighborhood Streets. Corridor and District Connectors are

often designated as Principal Frontage Streets (PFSs), which are designated to ensure a continuous, pedestrian-oriented block. Anytime new development is under consideration incremental implementation of the Street Network is required.

The site is located at the intersection of W. Dublin-Granville Road (south) and the future expansion of Village Parkway (west). Both streets are designated as PFSs, with W. Dublin-Granville Road considered a Corridor Connector and Village Parkway designated a future District Connector. Banker Drive, which is presently private in this section, is identified as a Neighborhood Street.

The current proposal incorporates the future development of Village Parkway into the site design, but does not include the construction of the future expansion of Village Parkway as part of the project. Should this application move forward, the applicant will need to continue to work with the City to determine the party responsible for funding and constructing the street. Should the applicant further pursue the development of this site, the applicant should continue to work with Staff to finalize the implementation and construction of the Village Parkway Extension.

Banker Drive (north) and the Lowe's access drive (east) are both designated as Neighborhood Streets, per the Street Network Map. Both sections of Banker Drive and the access drive adjacent to the site are privately owned by Lowe's and are not constructed to public street standards.

The Lots and Blocks Code section provide standards for minimum and maximum block sizes, which in turn establish lot size. The intent is to limit large blocks of development that are not pedestrian-oriented. The existing block dimensions are defined by David Road (west), Bridge Park Avenue (north), Dublin Center Drive (east), and W. Dublin-Granville Road (south). The Lowe's access drive and the segment of Banker Drive adjacent to this property are on Lowe's property and function as service streets. Per Code, service streets and alleys shall not be used to measure block dimensions. The existing block exceeds both length and perimeter requirements due to the existing street network. The future extension of Village Parkway would make the block more compliant with the requirements of the Code. Should the development move forward, a Waiver to the maximum block length would be required.

### 3. Proposal

This is a request for review and approval of a Concept Plan for a new, approximately 6,900-square-foot, one-story, multi-tenant commercial building with drive-thru restaurant located on the 1.98-acre site. The site is zoned Bridge Street District – Sawmill Center Neighborhood District and is presently undeveloped.

#### Layout

The proposed building is located on the southern portion of the site along W. Dublin-Granville Road. The applicant is proposing a quick-serve drive-thru restaurant along the private access drive in the east most tenant space. Outdoor patio space is provided at the southwest (1,715 square feet) and southeast (826 square feet) corners of the building, with open space located south of the building, adjacent to W. Dublin-Granville Road. In anticipation for the Village Parkway extension, the applicant has also provided conceptual phasing for a second potential building along the west property line should the deed restrictions be lifted.

The proposal provides one full-access point from Banker Drive to the north, eliminating the three existing access points. 70 vehicular parking spaces are located to the rear of the building with additional bicycle parking to the front and rear. Shared-use-path is existing along W. Dublin-Granville Road and sidewalk is proposed through the public open space between the street and the building. Sidewalks are not proposed anywhere else within or around the site. The applicant should continue to work with Staff to provide additional pedestrian facilities throughout and surrounding the site in keeping with the Principles of Walkable Urbanism defined in the Code.

## **Details**

### *Uses*

The applicant is proposing a multi-tenant building to accommodate an office tenant space and two eating and drinking tenant spaces. Eating/Drinking are permitted uses in the BSD – Sawmill Center Neighborhood District. However, the applicant is proposing a drive-thru accessory use in connection with the easternmost eating and drinking tenant space. Drive-thrus as an accessory use require approval of a Conditional Use application through the Planning and Zoning Commission, which would coincide with a Preliminary Development Plan application.

Drive-thru uses are required to abide by use-specific standards listed in Zoning Code Section 153.059(C)(4)(c), which outlines required locations of menu boards and service windows, stacking and circulation requirements, and drive-thru design. The proposed drive-thru is located to the side and rear of the easternmost tenant space currently along a private access drive that intersects with and is visible from West Dublin-Granville Road. The future implementation of the BSD Street Network calls for this access drive to be converted to a Neighborhood Street, which will be a public street. The drive-thru will be oriented toward the east property line, where 12 stacking spaces are provided. A street wall and additional landscaping will be provided between the drive through lane and the private access drive.

The BSD was created to encourage and develop well-defined, pedestrian-oriented development that is distinct from the typical auto-oriented development (drive-thru uses) in other areas of the City. Auto-oriented development affects the intent for the layout of sites and negatively impacts the access to and safety of pedestrian facilities. Drive-thru uses are generally not encouraged based on the items listed above and have been previously granted only for banks. Staff is not supportive of the proposed accessory use and recommends disapproval of the drive-thru as it is inconsistent with the urban form, is in conflict with the intent and goals of the District as specifically defined in the BSD Code and BSD Special Area Plan and it is unlikely that it could be sufficiently mitigated to meet the Conditional Use review criteria within the context of the BSD. The applicable review criteria are provided in the Commission's packet and also within Zoning Code section 153.236(C).

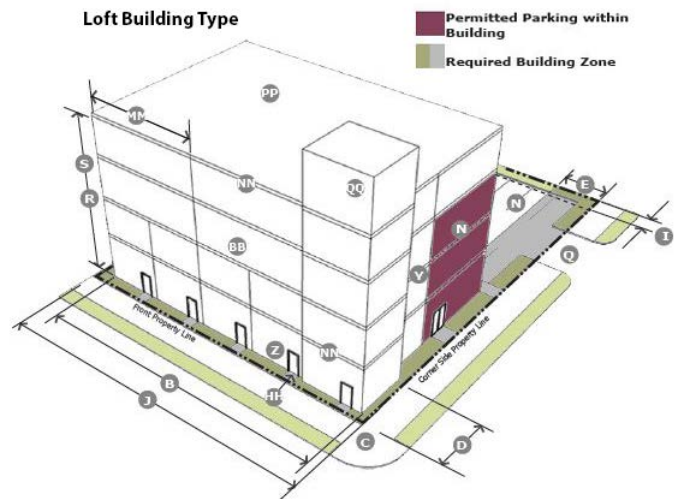
### *Parking*

The BSD Code requires that office uses, including medical offices, provide 2.5 parking spaces per 1,000 square feet of building square footage and restaurant uses provide 10 parking spaces per 1,000 square feet. The maximum permitted parking amount is 125 percent of the minimum required. The proposed building requires a minimum of 58 parking spaces, with a maximum of 73 parking spaces. The applicant is currently proposing 70 parking spaces, which falls within the required parking count.

### *Building Type*

The BSD Code emphasizes building form while encouraging a mix of uses across a single zoning district. The Code permits specific building types for each zoning district. The applicant proposes a Loft Building Type, a permitted Building Type in the BSD-Sawmill Center Neighborhood zoning district. However, based on Staff's analysis, the proposed building most closely aligns with the Commercial Center Building Type due to the number of stories and height of the building.

Commercial Center buildings are prohibited on this site. Commercial Center building types are only permitted in designated areas along Sawmill Road and Bridge Park Avenue in the Sawmill Center Neighborhood district. Should the applicant further pursue the development of this site, they will need to provide a full analysis of the Code provisions, ensuring Code compliance or that the appropriate Waivers are requested. The Commission should consider whether the proposed development character sets a precedent along W. Dublin-Granville Road. Presently, there is a significant interest in development through the corridor.



### Siting

The Loft Building Type is required to be sited within 0 to 15 feet from the Front Property Line and within 0 to 15 feet from a corner property line, which is defined as the Required Build Zone (RBZ). Additionally, a minimum of 75 percent of the front property line must be occupied by the building footprint. Portions of the RBZ not occupied by the building must be occupied by landscape, streetscape, or patio treatments as appropriate to the proposed use. Only portions of the building that meet the minimum story height may count toward RBZ occupation. Preliminarily, the building is wholly located outside the RBZ with the exception of the southwest corner, which does not count as it is less than the minimum number of stories. Portions of patio and open space are located within the RBZ. Should the applicant further pursue the development of this site, the applicant will be required to provide more details on the occupation of the RBZ.

### Stories

Per Code, buildings are required to meet the minimum number of stories for the associated Building Type within the RBZ and covering the Front Property Line for the minimum distance. Loft buildings are required to be a minimum of 2-stories in height. The applicant is proposing a 1-story building, which does not meet the Loft building requirements. In 2016, the Commission previously approved a Waiver for Penzone salon to permit a 1-story Loft building. This approval was not without significant deliberation and concession on behalf of the applicant to make the first story 31 feet in height where a variable 17-22 feet in height is proposed as part of this application. Staff does not support the proposed deviations in minimum building height and does not support the request to permit a Commercial Center building along W. Dublin-Granville Road as it sets a precedent that may continue to be perpetuated throughout the corridor. There are presently five other sites along W. Dublin-Granville Road contemplating development, many

of which have proposed concepts that do not meet the minimum number of stories of development required by the Code.

#### *Architecture*

The applicant has provided conceptual elevations, building massing, and inspirational images. The building is a contemporary single-story building with parapet rooflines. The storefront along the south façade contains glazing, although it also appears to include blank walls (length greater than 15 feet without architectural feature). A single building entrance from the front façade where the Code requires three (1 per 75 feet or fraction thereof) as the building is approximately 215 feet in length. Primary building entrances are oriented towards the parking lot to the north of the building, which does not meet the intent of the BSD Code by encouraging tenants to turn their back to the street. Façade materials are not identified with the Concept Plan submittal. Should the applicant further pursue the development of this site, material specifications and material calculations will be required to be provided with a Preliminary Development Plan.

The character images provided consist of a variety of materials including wood, stone, masonry and metal paneling. Loft buildings require a minimum of 80 percent primary building materials per façade (Stone, Brick, Glass). Should the applicant further pursue the development of this site, a full analysis of the proposed building type would be required with a Preliminary Development Plan.

#### *Open Space*

The intent of the Open Space Type requirements is to ensure a variety of functional, well-designed open spaces carefully distributed throughout the Bridge Street District, located and planned to enhance the quality of life for residents, businesses, and visitors. The Code states that one-square-foot of publicly accessible open space is required for every 50 square feet of gross floor area of the proposed commercial building. Based on the building size, a minimum of 137 square feet of open space is required for the proposed building. The applicant is proposing an approximately 500-square-foot open area south of the building. The applicant has not provide specific details for the proposed open space area, but did provide inspiration images. These include seating areas and landscape beds using a variety of materials and plantings. Should the applicant further pursue the development of this site, additional details will be required with a Preliminary Development Plan to determine if this space meets the Open Space Type requirements listed in the BSD Code.

#### *Stormwater and Utilities*

The applicant has not provided any proposed stormwater or utility information with the Concept Plan as it is not a required item at this stage in the process. Should the applicant further pursue the development of this site, as part of the Preliminary Development Plan, the applicant would be required to continue to work with Planning and Engineering Staff on determining an appropriate stormwater management plan, as to ensure compliance with Code. The proposal would require on site stormwater management in accordance with Chapter 53 of the City of Dublin Code of Ordinances. Wet retention basins and dry detentions basins are not permitted within the BSD per the City of Dublin Stormwater Management Design Manual.

## **4. Criteria**

### **Concept Plan – 153.066(E)**



1) *The Concept Plan is consistent with the applicable policy guidance of the Community Plan, BSD Special Area Plan, and other applicable City plans and policies.*

Criteria Not Met. The proposed drive-thru restaurant and single-story building form are in conflict with the BSD Special Area Plan and BSD Code, respectively. A drive-thru accessory use for a restaurant user, although contemplated as a Conditional Use, would not be able to meet the following criteria for authorizing a Conditional Use:

- 1) The proposed use will be harmonious with and in accordance with the general objectives, or with any specific objective or purpose of the Zoning Code and/or Community Plan.
- 2) The proposed use will comply with all applicable development standards, except as specifically altered in the approved conditional use.
- 3) The proposed use will be harmonious with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.
- 4) The use will not be hazardous to or have a negative impact on existing or future surrounding uses.
- 6) The proposed use will not be detrimental to the economic welfare of the community
- 7) The proposed use will not involve uses, activities, processes, materials, equipment and conditions of operations, including, but not limited to, hours of operation, that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, odor or other characteristic not comparable to the uses permitted in the base zoning district.
- 9) The proposed use will not be detrimental to property values in the immediate vicinity.
- 10) The proposed use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

Additionally, the proposed development pattern, specifically drive-thru restaurant and rear-oriented, single-story commercial building, does not meet the intent of the District to establish a pedestrian-oriented, urban form as identified in the BSD Code section 153.059(A) and does not meet the BSD Vision Plan. The drive-thru restaurant requires that the site design be oriented to accommodate vehicular-oriented facilities and eliminates the availability of pedestrian facilities on the site. No sidewalks are proposed to be extended along any private streets or access drives, which conflicts with the Principles of Walkable Urbanism. In addition, the single-story building does not conform to the requirements of a Loft building in the Code, which would require Waivers for number of stories of the building, RBZ requirements, and building height. The building reflects a Commercial Center building more closely than a Loft building, which is not a permitted building type at this site.

2) *The Concept Plan conforms to the applicable requirements of the BSD Code.*

Criteria Not Met. The single-story building does not conform to the basic requirements of the Building Type requirements identified in the Code. Proposed as a Loft building, approval of the proposal would require a significant number of Waivers for minimum number of building stories, RBZ requirements, Front Property Line coverage, and

minimum number of entrances. The building reflects a Commercial Center building more than a Loft building, which is not a permitted building type at this site.

- 3) *The Lots and Blocks, supporting the street and pedestrian network, and internal circulation provide coherent development pattern that conforms to Lots and Blocks, Street Types, and Site Development Standards.*

Criteria Not Met. The existing block exceeds both length and perimeter requirements due to the existing street network. Without the extension and construction of Village Parkway concurrent with development, a Waiver to maximum block length would also be required. Deferred conformance with the BSD Street Network Map compromises the intent to provide maximum pedestrian, bicycle, and vehicular connectivity across the District. Village Parkway is identified as a District Connector providing ultimately providing a north-south connection through the District offering an alternative to Dale Drive. Should the applicant further pursue the development of this site, the applicant should continue to work with Staff to finalize the implementation and construction of the Village Parkway Extension.

- 4) *The proposed land uses allow for appropriate integration into the community, consistent with the adopted plans and align with Uses identified in the Code.*

Criteria Not Met. The proposed drive-thru restaurant use does not meet the intent of the District to develop sites primarily for pedestrian-oriented services. The drive-thru use requires that the site design be oriented to accommodate vehicular-oriented facilities and eliminates the availability of pedestrian facilities on the site. Additionally, the conceptual architectural elevations respond more proximately to the parking lot than to the street. All other proposed uses are permitted within the BSD Code.

- 5) *The conceptual building is appropriately sited and scaled to create a cohesive development character, completes the surrounding environment, and conforms with the Building Types identified in the Code.*

Criteria Not Met. The single-story building does not conform to the requirements of a Loft building in the Code, which would require Waivers for number of stories of the building, RBZ requirements, minimum Front Property Line coverage, and minimum number of entrance along the street facing façade. The building reflects a Commercial Center building more than a Loft building, which is not a permitted building type at this site.

- 6) *The conceptual design of open spaces, including location and relationship to surrounding buildings, provides meaningful gathering spaces for the benefit of the development and community.*

Criteria Met. The proposed open space on the site meets the requirements for square footage and is located adjacent to W. Dublin-Granville Road. The conceptual layout of the open space meets the requirements of the Code. Further details regarding Open Space design area required to be submitted with the Final Development Plan.

- 7) *The Concept Plan allows for the connection and expansion of public or private infrastructure and the continued provision of City services.*

Criteria Met. The current proposal incorporates the future extension of Village Parkway into the design of the site, but does not presently propose the construction of the future

expansion of Village Parkway as part of the project. Should this application move forward, further discussions with the City of Dublin are necessary to determine funding and timing of the Village Parkway extension. To allow for the proper right-of-way accommodations for the future Village Parkway extension, the applicant is working to provide 70 feet along the west side of the site. The applicant should continue to work with Staff to finalize the implementation and construction of the Village Parkway extension.

- 8) *The development concept conforms with the Neighborhood Standards, as applicable. Criteria Not Met.* The intent of the Sawmill Center Neighborhood, as outlined in the BSD Code, is to provide an active, mixed-use, pedestrian-oriented environment through unique shopping, service and entertainment uses with supporting residential and office uses. Although the proposal includes a number of outdoor patio spaces and an open space node, the prioritization of the drive-thru impedes the intent and goals of the Sawmill Center District along W. Dublin-Granville Road. Additionally, the proposed single-story Commercial Center style building directly conflicts with the BSD-Sawmill Center Neighborhood development graphic.

## 5. Recommendation

### Concept Plan

Based on the review of the Criteria listed above, Planning recommends **disapproval** of the Concept Plan based on the following findings:

- 1) The proposed development pattern, specifically drive-thru restaurant and rear-oriented, single-story commercial building, does not meet the intent of the Bridge Street District to establish a pedestrian-oriented, urban community as identified in the BSD Code section 153.059(A) and does not meet the BSD Vision Plan.
- 2) The rear-oriented, single-story commercial building is in direct conflict with the BSD-Sawmill Center Neighborhood District standards and Building Type standards for mass, scale, and height of development along W. Dublin-Granville Road.
- 3) The development does not implement the Lots and Blocks, Street Network Map, and Principles of Walkable Urbanism concurrent with development, which delays incremental implementation of the BSD framework and sets a precedent for future auto-oriented development along W. Dublin-Granville Road.
- 4) Should the proposed site layout and building form be approved, the development character will set a precedent for development along W. Dublin-Granville Road that deviates from Code and conflicts with the goals and objectives of the BSD.

### 153.066(F)(2)(b) - Request to Combine PDP with FDP

Staff recommends **disapproval** of a request to combine the Preliminary Development Plan with the Final Development Plan based on the recommendation of disapproval of the Concept Plan application.