



CITY OF DUBLIN.

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PLANNING REPORT

PLANNING AND ZONING COMMISSION

DECEMBER 11, 2008

SECTION I – CASE INFORMATION:

**3. Emerald Town Center 5625 – 5637 Woerner Temple Road
08-098AFDP/CU Amended Final Development Plan/Conditional Use**

Proposal: A maximum of 1300 square feet of outdoor dining patio space for tenants within Buildings 1, 3, and 4 of the Emerald Town Center development, located at the southeast corner of Emerald Parkway and Woerner Temple Road.

Request: Review and approval of an amended final development plan under the Planned District provisions of Code Section 153.050 and a conditional use under the provisions of Code Section 153.236.

Applicant: Craig Decker; represented by Todd Dillon, The Anchor Companies.

Planning Contact: Rachel E. Swisher, Planner.

Contact Information: (614) 410-4656, rswisher@dublin.oh.us

Case Summary

This is a request for review and approval of an amended final development plan application to reallocate the total square footage of approved patio space for the Emerald Town Center shopping center. The applicant is also requesting review and approval of a conditional use application for an outdoor dining patio for the Wine Guy restaurant that will be located within Building 3. The proposal complies with the applicable review criteria and the approved preliminary development plan, and Planning recommends approval of this request.

Case Background

The Emerald Town Center shopping center, which is currently under construction, is located within Subarea E of the Thomas-Kohler PCD, Planned Commerce District. The rezoning for this site was approved by City Council on January 4, 1996. Final development plan and conditional use applications for a gas station and car wash were approved on September 4, 2003 but were never constructed. A final development plan for the Emerald Town Center development with 31,585 square feet of retail space including 1,300 square feet of patio space was approved on June 22, 2006.

Site Description

Site Location and Character

This 4.72-acre site is located at the southeast corner of Woerner-Temple Road and Emerald Parkway. The site has approximately 675 feet of frontage on Emerald Parkway and 780 feet of

frontage on Woerner-Temple Road. The Cramer Ditch runs along the southern property line, and there are no significant topographical changes on the site.

Surrounding Zoning and Uses

The site is zoned PCD, Planned Commerce District, as part of Subarea E of the Thomas-Kohler PCD. All surrounding properties are also located within the Thomas Kohler PCD. Permitted uses in Subarea E include those listed in the SO, Suburban Office and Institutional District, in addition to restaurants and other uses as listed in the approved text.

Site Layout

The Emerald Town Center was approved with a total of four retail buildings. The main building (Building 4) is located at the intersection of Emerald Parkway and Woerner-Temple Road, and is 12,953 square feet. To the south, a 9,337-square-foot building (Building 3) is located along Emerald Parkway, and a 3,000-square-foot building (Building 2) is located in the southwest corner of the site along Emerald Parkway. A 5,000-square-foot building (Building 1) is located near the intersection of Woerner-Temple Road and Parkwood Drive.

A total of 1,300 square feet of outdoor dining space was approved for the center. Parking is centrally located on the site surrounded by the retail buildings. The site has a full service entrance at the intersection of Woerner-Temple Road and Parkwood Drive. Access to the site from Emerald Parkway is limited to a right-in/right-out entrance at the southwest corner of the site.

Plan Description

Overview

The applicant is proposing to reallocate the 1,300 square feet of approved outdoor dining space within the shopping center among three of the approved buildings in order to allow a restaurant tenant in Building 3 to have a patio (the tenants that will ultimately use the other outdoor dining spaces are unknown at this time, and therefore separate conditional use approvals will be required for these patios prior to use). The proposal includes the patio layout for Building 3, which is the subject of the conditional use application, and conceptual layouts for the patios associated with Buildings 1 and 4.

Proposed Patio Plan

The applicant is proposing to redistribute the total approved square-footage of outdoor dining space for the center to accommodate an outdoor dining space for a restaurant tenant in Building 3 and to expand the patio located at the northwest corner of the site on the north side of Building 4. The previously approved and proposed square-footage redistribution for outdoor dining area is listed by building in the table on the following page.

Building	Previously Approved Square-Footage	Proposed Square-Footage
Building 1	225 sq. ft. (west of building)	157 sq. ft. (west of building)
	600 sq. ft. (south of building)	<i>(600 sq. ft. patio removed)</i>
Building 2	No patios proposed.	No patios proposed.
Building 3	No patios proposed.	352 sq. ft.
Building 4	475 sq. ft.	790 sq. ft.

Total Square Footage	1,300 sq. ft.	1,299 sq. ft.
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Building 3 Patio

The applicant has stated that the Wine Guy restaurant will occupy a tenant space in Building 3 adjacent to the proposed patio. The tenants that intend to use the other patios have not yet been specified. The operational information for the Building 3 patio (the Wine Guy restaurant) is listed below.

- **Location:** The proposed patio is located between Building 3 and Emerald Parkway, along the central portion of the building’s west elevation adjacent to a set of windows. The patio will be entirely enclosed by a three-foot fence with gates on the north and south sides of the dining area. The building is accessed from two sets of doors to the north and south of the proposed gates, and the parking lot may be accessed from a concrete walkway that surrounds the building. The patio will be partially screened by mounding and landscaping along Emerald Parkway.
- **Use:** The applicant is proposing to operate the patio during the restaurant’s business hours, which will be 5:00pm through 9:00pm Tuesdays through Thursdays, 5:00pm through 10:00pm Fridays and Saturdays, and 12:00pm through 2:30pm Tuesdays through Saturdays for lunch. The applicant is proposing to use the patio primarily from April through October, although the outdoor dining season may be extended should the weather permit. The applicant has indicated that the patio furniture will be stored at the tenant’s offsite storage facility during the off-season.
- **Materials:** The proposed patio will be paved with brick (*Pine Hall Brick*, “Carytown”), which is the material previously approved for the Building 4 patio. A three-foot tall black aluminum three-rail fence (*Courtyard* “Satin Black”) will enclose the patio on the north, south, and west sides, and the building will enclose the patio on the east side. The plans show coordinating gates on the north and south sides of the patio to enclose the dining area.
- **Furniture:** Seven black rust-resistant steel-framed tables and 28 coordinating chairs with *Weatherware®* wicker seats and backs are proposed for the patio. At this time, the applicant does not intend to utilize umbrellas, however should the applicant decide to use umbrellas at a later date, the applicant has indicated that black canvas umbrellas with no text or logos will be used.
- **Outdoor Entertainment:** The applicant is proposing to play music through an outdoor speaker system. No live music or amplification is proposed.

Parking

Code requires one parking space per 150 square feet of retail space and one space per 200 square feet of storage for retail shopping centers less than 100,000 square feet. This site requires 203 spaces based on 27,041 square feet of retail space, including the previously approved 1,300 square feet of outdoor dining space, and 4,544 square feet of storage space. The previously approved plans include 203 parking spaces with seven ADA accessible spaces in conformance with Code, and no changes to the approved parking plan are proposed.

Landscaping

The approved landscaping plan has been revised to accommodate the reallocated patio space and the plantings and species approved with the final development plan have been maintained.

Lot Coverage and Stormwater

The development text limits lot coverage to 70 percent for this site. The approved development has approximately 59.8 percent lot coverage, which is consistent with the standards, and the proposed reallocation of patio square-footage will not substantially alter this percentage. The proposed square-footage redistribution of patio space will not interfere with the functionality of the storm water management plan for this site.

SECTION II – REVIEW STANDARDS:

Amended Final Development Plan

The purpose of the Planned Unit Development process is to encourage imaginative architectural design and proper site planning in a coordinated and comprehensive manner, consistent with accepted land planning, landscape architecture, and engineering principles. The PUD process consists of up to three stages:

- 1) Concept Plan (Staff, Commission, and/or City Council review and comment);
- 2) Zoning Amendment Request (Preliminary Development Plan; Commission recommends and City Council approves/denies); and
- 3) **Amended Final Development Plan (Commission approves/denies).**

The intent of the amended final development plan is to show conformance with and provide a detailed refinement of the total aspects of the approved preliminary development plan (rezoning). The final development plan includes all of the final details of the proposed development and is the final stage of the PUD process. The Commission may approve as submitted, approve with modifications agreed to by the applicant, or disapprove and terminate the process. If the application is disapproved, the applicant may respond to Planning and Zoning Commission's concerns and resubmit the plan. This action will be considered a new application for review in all respects, including payment of the application fee. Appeal of any action taken by the Commission shall be to the Court of Common Pleas in the appropriate jurisdiction. Following approval by the Commission, the applicant may proceed with the building permit process. In the event that updated citywide standards are applicable, all subsequently approved final development plans shall comply with the updated standards if the Planning and Zoning Commission determines that the updated standards would not cause undue hardship.

Evaluation and Recommendation based on Amended Final Development Plan Criteria

Section 153.055(B) of the Code identifies criteria for the review and approval for an amended final development plan. Following is an evaluation by Planning based on those criteria. The criteria are arranged in the following categories and may be in a different order than listed in the Code:

Adopted Policies and Plans (Criteria 1, 3, 9, & 10). The proposed modifications conform to the approved preliminary development plan, have adequate public facilities and open spaces, are carried out in progressive stages, and conform to all other applicable zoning text and Code requirements.

Criteria met. The proposal conforms to the preliminary development plan in terms of lot coverage, setbacks, and parking requirements, and all other applicable Code requirements have been met.

Site Safety and Circulation (Criteria 2 & 5). The proposed modifications provide for safe and efficient pedestrian and vehicular circulation and provide adequate lighting for such uses.

Criteria met. The site currently provides adequate lighting and circulation for vehicles and pedestrians. No changes are proposed to lighting or circulation on the site.

Development Details (Criteria 4, 6, 7, & 8). The details of the development are sensitive to the natural characteristics of the site, include appropriate landscaping and signs, and provide adequate storm drainage.

Criteria met. The proposal conforms to the preliminary development plan requirements for appropriate landscaping, and the redistributed patio square-footage will not interfere with the functionality of the storm water management plan for this site. The proposed materials and patio details complement the previously approved buildings. Any future tenants intending to use the outdoor dining spaces for the patios adjacent to Buildings 1 and 4 will be required to return to the Commission for conditional use review and approval prior to operation.

Conditional Use

The proposed outdoor dining patio use is classified as a conditional use per the Zoning Code. Conditional uses, while often desirable, differ from permitted uses in that they may have greater impact on the surrounding area. The intent of the conditional use process is to set forth development standards and criteria for locating and developing a conditional use in accordance with the nature of the surrounding area, conditions of development, and with regard to appropriate plans.

Evaluation and Recommendation Based on the Conditional Use Review Criteria

Section 153.236(C) of the Code identifies criteria for the review and approval for a conditional use. The criteria are arranged in the following categories and may be in a different order than listed in the Code:

Policies of the Community (Criteria 1 & 2). The proposed use will be harmonious with and in accordance with the specific objectives of the Zoning Code and/or Community Plan and comply with all applicable development standards.

Criteria met. The general land use of the site will remain retail/service-oriented, which is consistent with the character of the Emerald Town Center shopping center, as well as the future land use recommendations of the Community Plan. The Community Plan encourages the development of gathering places in order to provide areas where the community can interact. Although the proposed outdoor dining patio location for Building 3 was not originally approved with the final development plan, the overall square-footage of outdoor dining space remains unchanged, and the proposed patio creates a space for patrons of Emerald Town Center to gather and interact.

Impact to the Surrounding Community (Criteria 3, 4, 6, 9, & 10). The proposed use will be harmonious with the existing or intended character of the general vicinity, will not be hazardous to or have a negative impact on surrounding uses, will not be a detriment to the economic welfare of the community or property values in the immediate vicinity, and will not impede the orderly development of the surrounding properties.

Criteria may be met through conditions. The proposed patio will not change the essential character of the area and has been located appropriately adjacent to the tenant space. The proposed furniture shall be stored off-site during the off-season (Condition #1). The applicant has indicated that at this time, they do not intend to utilize umbrellas, however should the applicant decide to use umbrellas at a later date, black or subdued-color umbrellas with no text or logos shall be used and the final selection shall be approved by Planning (Condition #2).

Necessary Infrastructure (Criteria 5, 7 & 8). The area and proposed use(s) will be adequately served by essential public facilities and services and will have vehicular approaches that are appropriately designed to not create interference with traffic on surrounding public or private road systems.

Criteria are met. The proposed patio will be adequately served by essential public facilities and services. No changes to the traffic circulation on surrounding public or private road systems are proposed. Because the square footage of the patio was approved with the final development plan, all parking requirements have been met.

SECTION III – PLANNING OPINION AND RECOMMENDATION: Approval.

The proposed outdoor dining patio use is consistent with the Community Plan goal of creating gathering places throughout the community. In Planning's opinion, this proposal complies with the Conditional Use and the Amended Final Development Plan criteria and the existing development standards within the area, and approval of this request is recommended with the following two conditions:

Conditions:

- 1) That the proposed furniture shall be stored off-site during the off-season; and
- 2) That the use of umbrellas be limited to black or subdued-color umbrellas with no text or logos, subject to approval by Planning.

Amended Final Development Plan

Review Criteria:

In accordance with Section 153.055(B) *Plan Approval Criteria*, the Code sets out the following criteria of approval for a final development plan:

- 1) The plan conforms in all pertinent respects to the approved preliminary development plan provided, however, that the Planning and Zoning Commission may authorize plans as specified in §153.053(E)(4);
- 2) Adequate provision is made for safe and efficient pedestrian and vehicular circulation within the site and to adjacent property;
- 3) The development has adequate public services and open spaces;
- 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 this Code;
- 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;
- 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;
- 7) The landscape plan will adequately enhance the principal building and site; maintain 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;
- 8) Adequate provision is made for storm drainage within and through the site which complies with the applicable regulations in this Code and any other design criteria established by the City or any other governmental entity which may have jurisdiction over such matters;
- 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; and
- 10) The Commission believes the project to be in compliance with all other local, state, and federal laws and regulations.

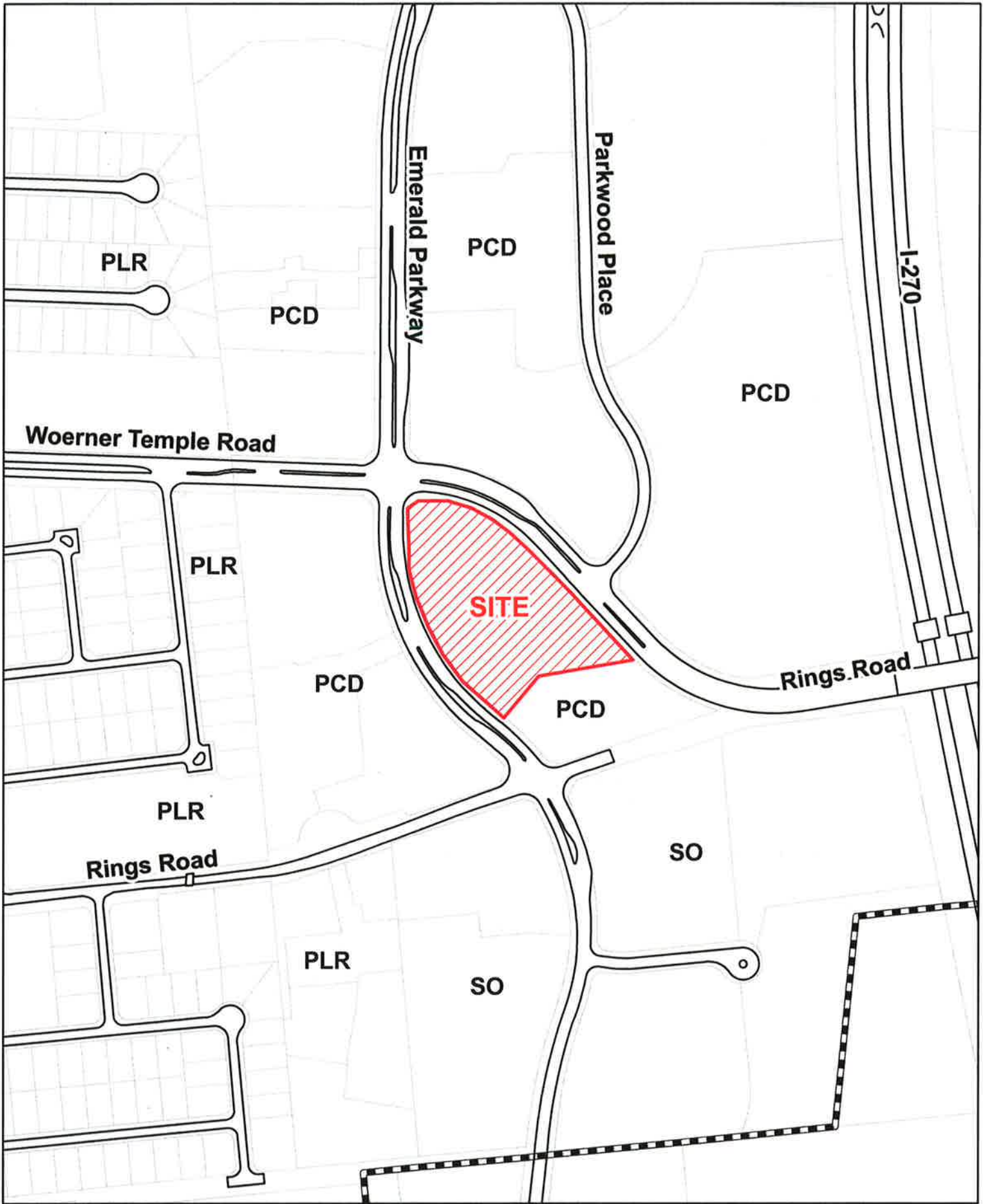
Conditional Use

Review Criteria:

Section 153.236(C) sets out criteria for the review and approval of a conditional use.

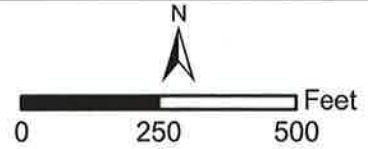
(C) *Action by the Planning Commission.* The Planning and Zoning Commission shall hold a public hearing and shall not approve a conditional use unless it finds that such use at the proposed location meets all of the following requirements:

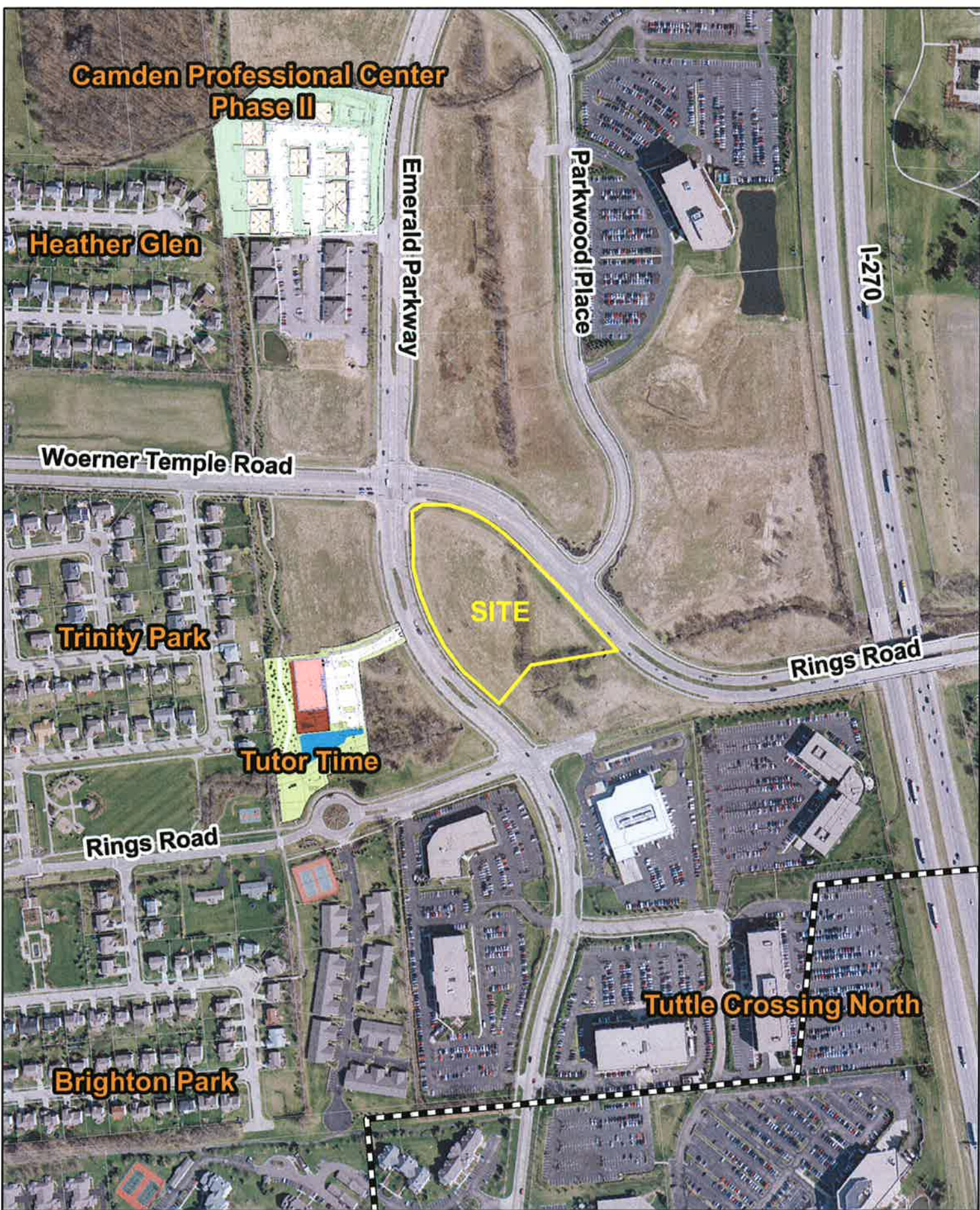
- (1) The proposed use will be harmonious with and in accordance with the general objectives, or with any specific objective or purpose of the Zoning Code and/or Community Plan.
- (2) The proposed use will comply with all applicable development standards, except as specifically altered in the approved 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.
- (5) The area and proposed use(s) will be adequately served by essential public facilities and services such as highways, streets, police, and fire protection, drainage structures, refuse disposal, water and sewers, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.
- (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.
- (8) Vehicular approaches to the property shall be so designed as not to create interference with traffic on surrounding public and/or private streets or roads.
- (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.



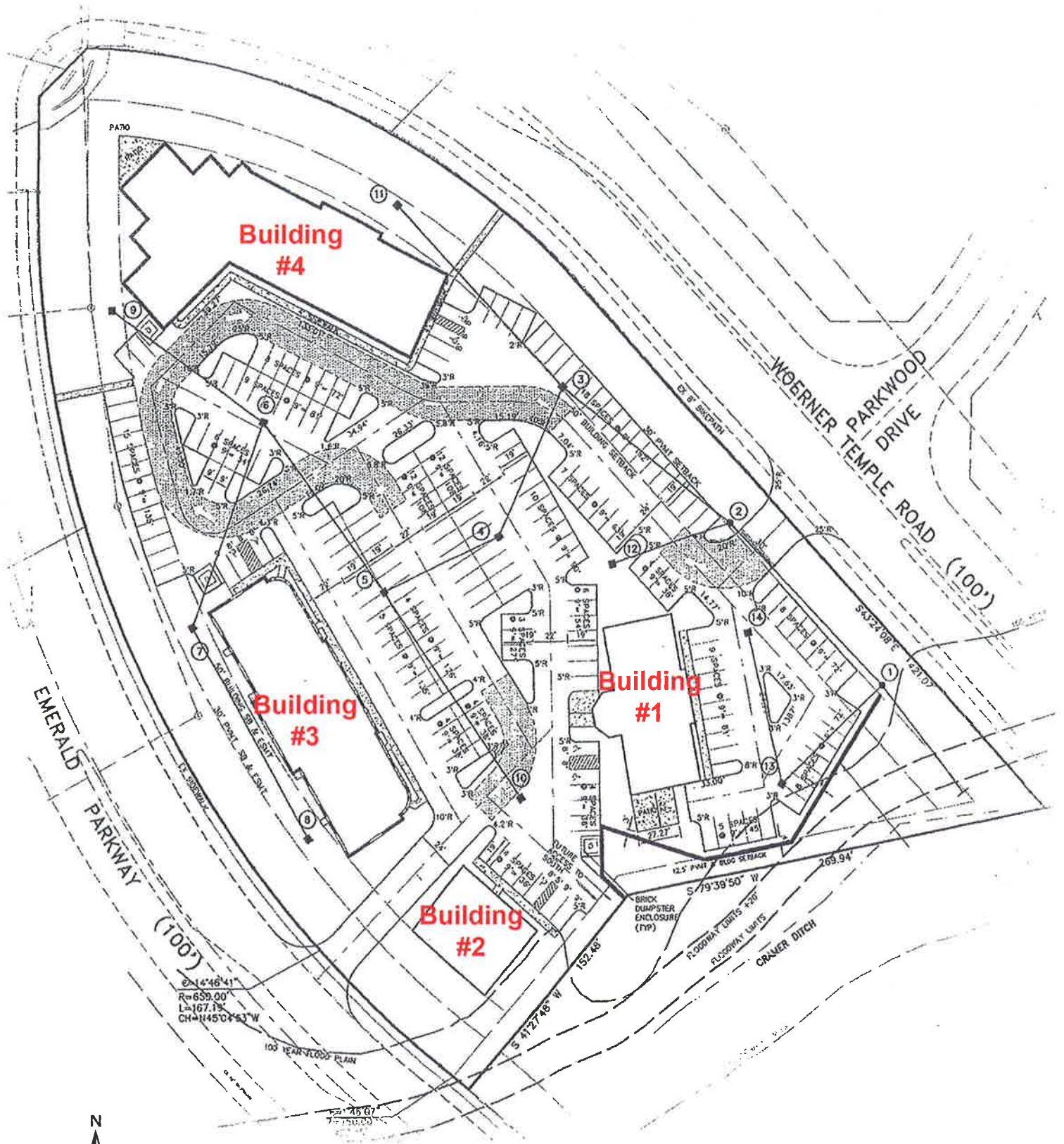
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08-098AFDP/CU
Amended Final Development Plan/ Conditional Use
Emerald Town Center Patio

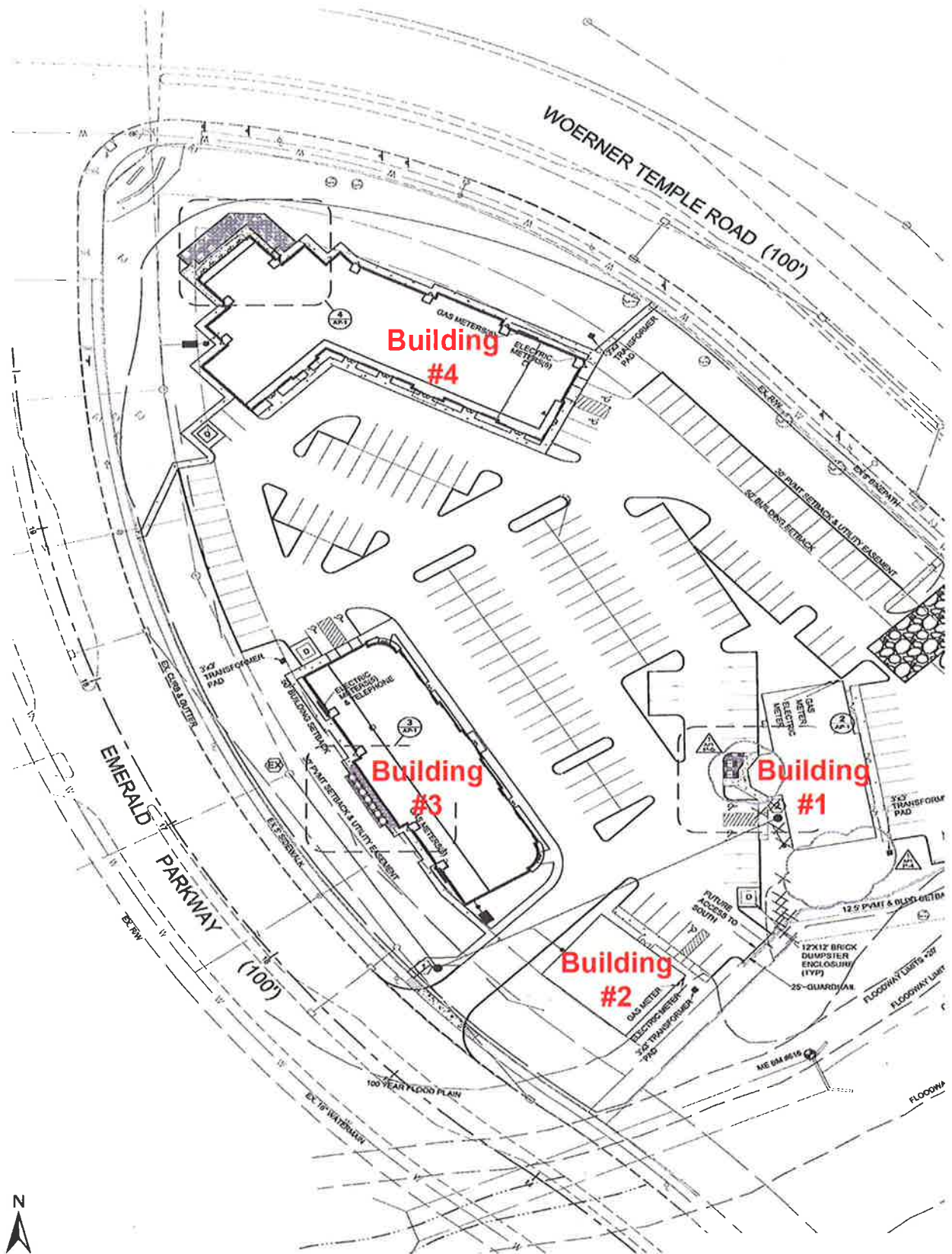




PREVIOUSLY APPROVED SITE PLAN



PROPOSED SITE PLAN



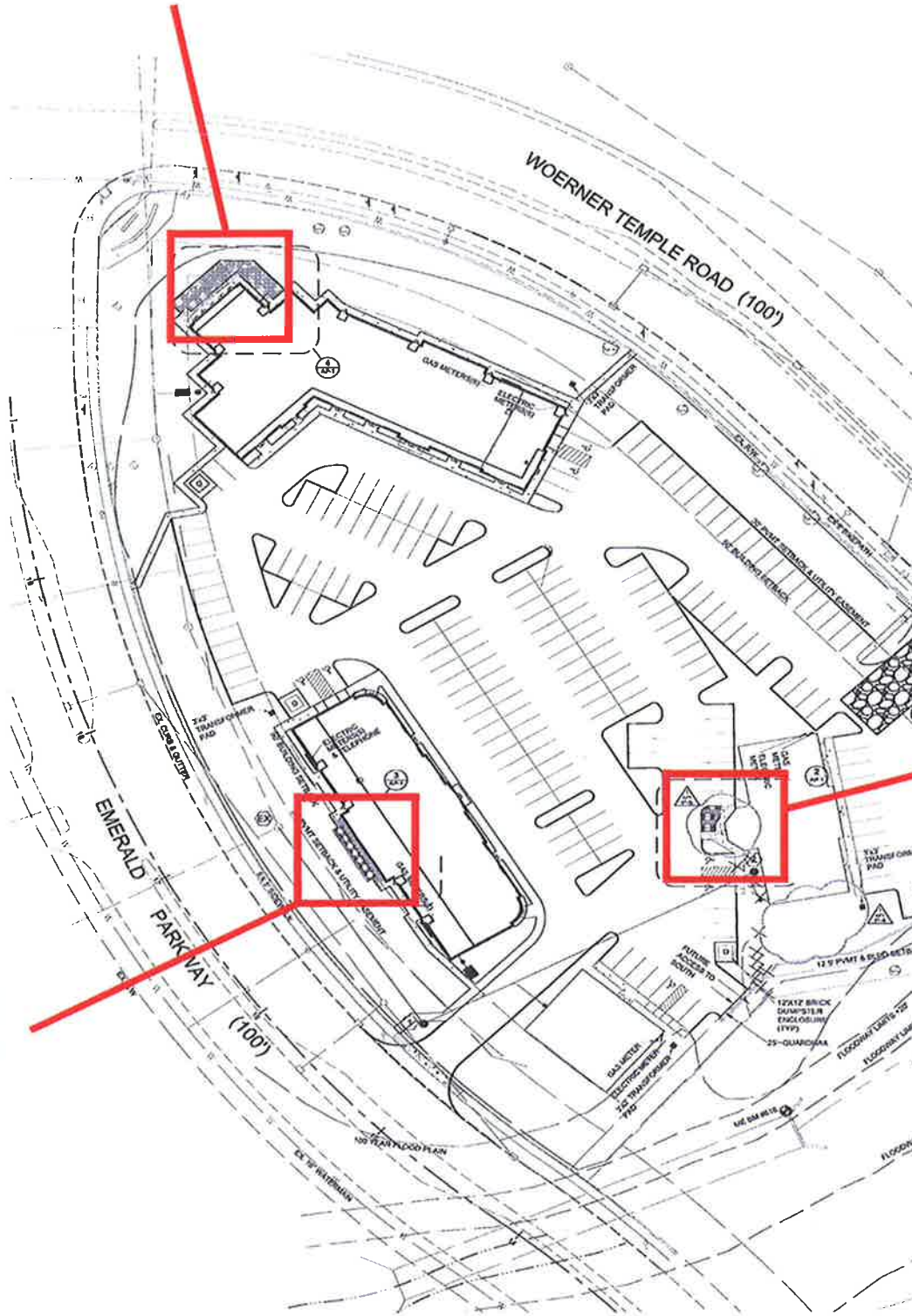
08-098AFDP/CU
Emerald Town Center Patio
Emerald Parkway and Woerner Temple Road

PROPOSED PATIO LOCATIONS

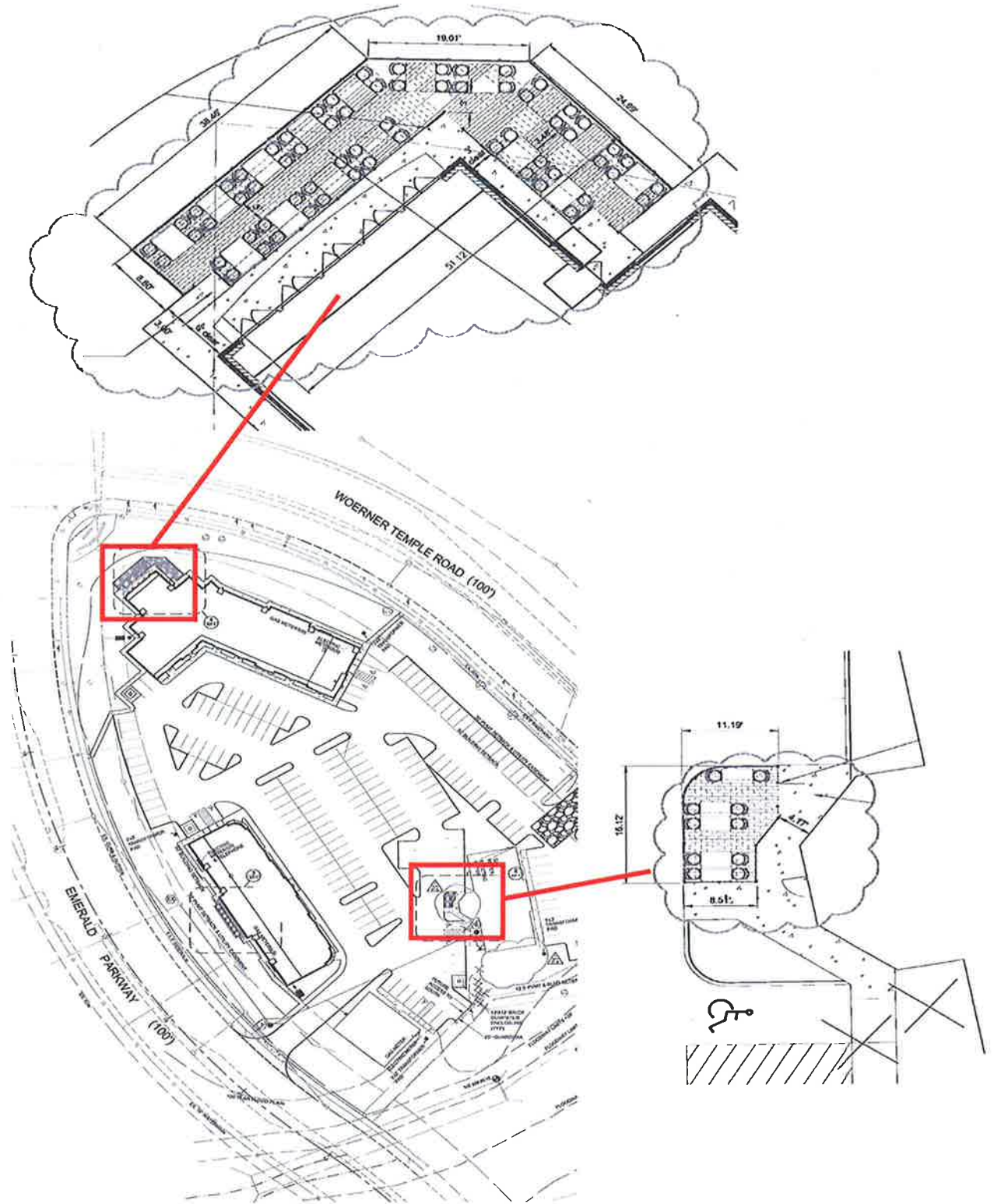
Building #4 Patio

Building #1 Patio

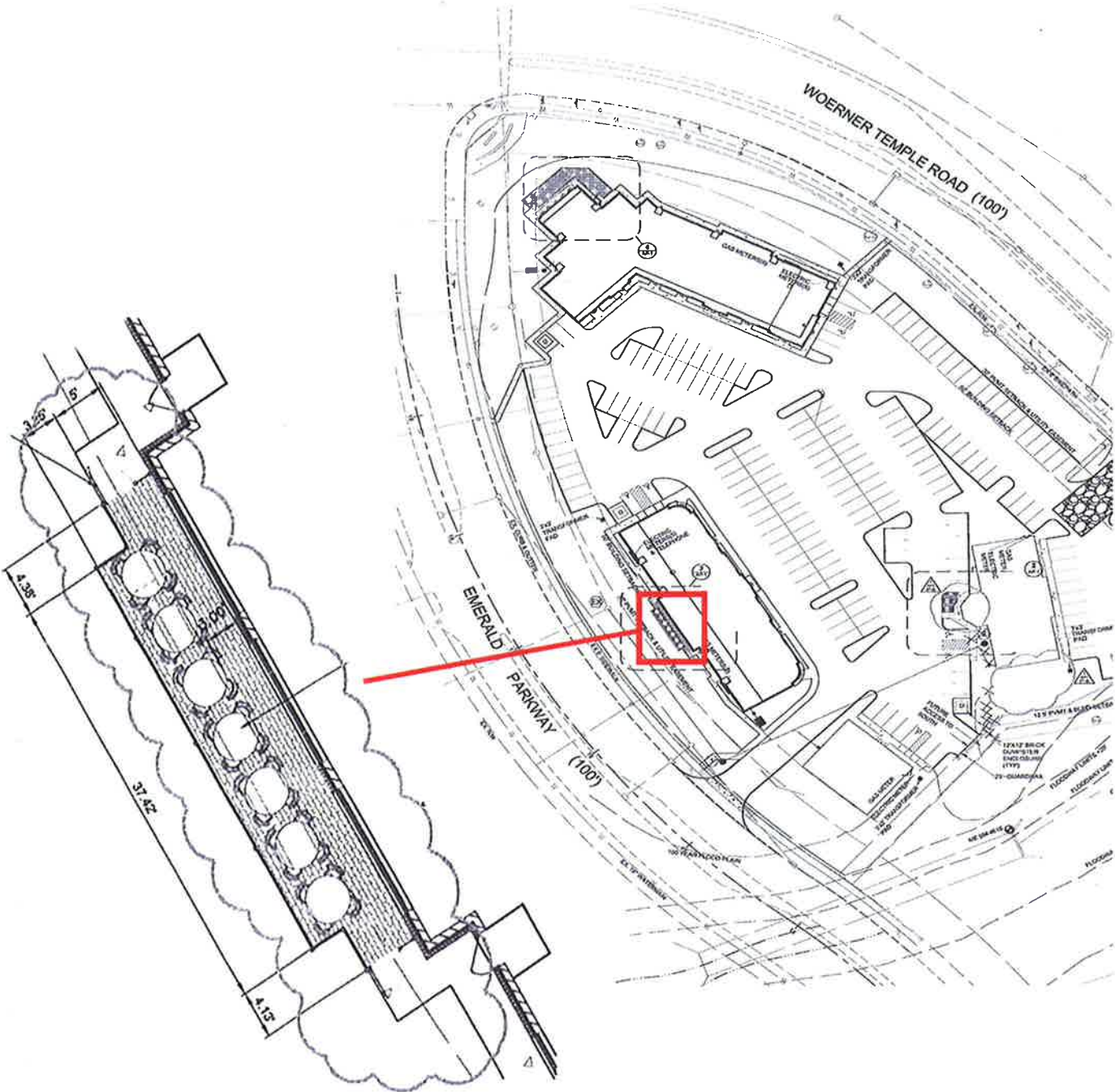
Building #3 Patio



CONCEPTUAL PATIO LAYOUT BUILDINGS ONE AND FOUR



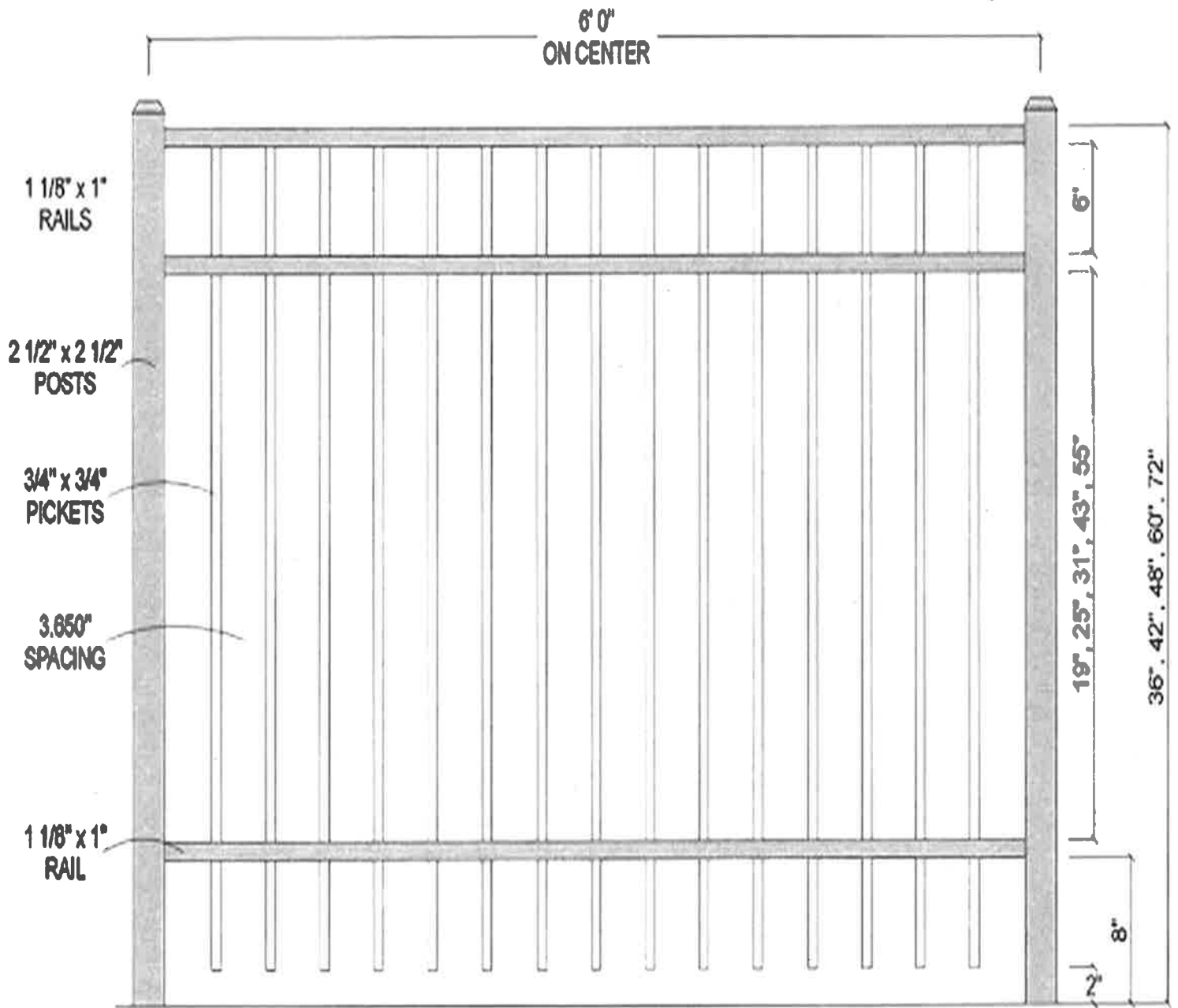
PROPOSED BUILDING THREE PATIO



PROPOSED BUILDING THREE PATIO TABLES AND CHAIRS



PROPOSED BUILDING THREE PATIO FENCE



08-098AFDP/CU
Emerald Town Center Patio
Emerald Parkway and Woener Temple Road