



CITY OF DUBLIN, OH

Land Use and
Long Range Planning
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PLANNING REPORT

PLANNING AND ZONING COMMISSION

APRIL 8, 2010

SECTION I – CASE INFORMATION

3. **Our CupCakery** **10-012CU**

16 North High Street
Conditional Use

Proposal: A 210-square-foot patio for an historic building, located on the east side of North High Street, approximately 100 feet north of the intersection with Bridge Street, in the Historic District.

Request: Review and approval of a conditional use request under the provisions of Zoning Code Section 153.236.

Applicant: Linda Kick, Owner.

Planning Contact: Eugenia M. Martin, ASLA, Landscape Architect.

Contact Information: (614) 410-4650, emartin@dublin.oh.us

Case Summary

This is a request for review and approval of a conditional use for a 210-square-foot patio in front of a cupcake and coffee shop in the Historic District. The site is located on the east side of North High Street, approximately 100 feet north of the intersection with Bridge Street.

Case Background

On December 16, 2009, the Architectural Review Board approved two, five square-foot, single-sided wall signs for Our CupCakery and Java Jan, a coffee shop. On January 27, 2010, the Board approved the repair of the existing concrete patio, and the installation of an inline storm drain. The Board approved patio amenities consisting of four tables, twelve chairs and two umbrellas on March 24, 2010. A condition of the approval stated that the patio was not to be used until a conditional use was received from the Planning and Zoning Commission.

Site Description

Location

The 0.267-acre site is located on the east side of North High Street, 116 feet north of the intersection with Bridge Street. The site has approximately 70 feet of frontage along North High Street and is 166 feet deep.

Character

The one and one-half story stone structure is located close to North High Street with an existing paved open area located on the west side of the building. This area, proposed for the patio, is surrounded by an historic stone wall with two historic stone columns marking the entrance from

the public sidewalk. There is an access drive immediately to the north of the building that leads to the gravel parking area for patrons in the rear with access onto North Blacksmith Lane. The site slopes to the east towards the river, and contains several significant trees behind the main structure.

Surrounding Zoning and Uses

The site and adjacent properties to the north and south are zoned CCC, Central Community Commercial District. The properties to the east are single-family residences zoned R-4, Suburban Residential District and to the west is the Bridge and High development zoned PUD, Planned Unit Development District.

Plan Description

Overview

The site is located within the Historic District and is subject to review by the Architectural Review Board for site amenities, including patio furniture. The applicant is requesting conditional use approval of an existing 210-square-foot space as a patio. Patios require a conditional use approval in the CCC District.

Patio Details and Amenities

The proposed patio is located in front of the building and maintains a five-foot clear path of travel from the public sidewalk to both entrances to the building. The existing patio is seven feet wide by 30 feet long and is separated into two spaces on either side of the entrance doors to the building. At their March 24, 2010 meeting, the Architectural Review Board approved the use of four, 28-inch by 28-inch square black wrought iron bistro-type tables, twelve Chelsea black wrought iron chairs, and two, seven-foot six-inch diameter umbrellas with the shade color of Emerald Green. Each side will have two tables, six chairs and one umbrella. Planning recommends that all outdoor tables and chairs be stored during off-season.

Operational Details

Our CupCakery is primarily a catering business with operating hours of from 11:00 a.m. to 6:00 p.m., Tuesday through Friday, and from 10:00 a.m. to 3:00 p.m. on Saturdays. Cooking classes are periodically offered on site, and are typically conducted between the hours of 9:00 a.m. and 4:00 p.m., Mondays through Thursdays. Java Jan is a gourmet coffee shop that occupies the northern portion of the building and maintains a separate entrance. The operating hours are from 8:00 a.m. to 6:00 p.m., Monday through Saturday, and from 11:00 a.m. to 4:00 p.m. on Sundays. Primarily, patrons to the businesses acquire their products and then leave the premises. The patio is intended to provide an optional space during the warmer months for patrons who choose to consume their products on site.

Parking

The patio was constructed at the same time as the building in the mid 1800s. It was used originally as a residence and over time was converted for commercial purposes with limited area for building expansion and the provision of parking. The site currently provides ten parking spaces, which is less than would be required by today's Code, making the site nonconforming. Code requires compliance with the parking regulations with the expansion of a nonconforming site, requiring the applicant to provide 19 total parking spaces to account for the existing building

square footage and proposed patio area. Improvements to the site to accommodate additional parking would result in the removal of several mature trees and the inclusion of retaining walls to account for the twelve feet of grade change.

Section 153.236(C)(2) permits the Planning and Zoning Commission to approve deviations from development standards, including parking, through the review and approval of a conditional use. Based on the operational needs of the businesses, the natural turnover rate of patrons and impact to the site should additional on-site parking be required, Planning supports the applicant's request to waive the additional parking requirement for the expansion of a nonconforming site.

PLANNING ANALYSIS AND RECOMMENDATION

Review Criteria (Conditional Use)

Section 153.236(C) sets out criteria of approval for a conditional use. The 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.

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 may be met through waiver by Commission. The zoning classification for this site allows patios as a conditional use and the proposed patio is appropriate and compatible with other uses in the District.

Chapter 153.236 of the Zoning Code requires that for conditional uses the proposed use complies with all applicable development standards, except as specifically altered in the approved conditional use. The Commission as part of this approval may alter the required parking spaces for this use to ten spaces.

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 is appropriately located directly in front of the tenant space. The patio amenities must be removed when the current tenant vacates the space, unless the space is occupied by a compatible use that would utilize the same patio area (Condition 1). The proposed furniture and umbrellas will need to be stored inside the tenant space or in an appropriate off-site location when the patio is not in regular use (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 met. The proposed patio should not adversely affect public facilities which are available to serve this site and the proposed use.

Recommendation: Approval

This proposal complies with the conditional use review criteria and approval of this request is recommended with two conditions.

Conditions

- 1) All patio amenities be removed by the tenant if the tenant vacates this space and is not replaced with another use that would utilize the patio; and
- 2) All patio furniture be stored during off-season.

NOTE: A Certificate of Zoning Plan Approval for a conditional use must be issued within one year of Planning and Zoning Commission approval, or the approval expires.

CONDITIONAL USE REVIEW CRITERIA

Conditional uses, while often desirable, may more intensely affect the surrounding area in which they are located than permitted uses. 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 the development, and with regard to appropriate plans. The Planning and Zoning Commission is the final stage in approving or disapproving a conditional use.

The conditional use request includes all of the details of the proposed use, and the Commission may approve, disapprove, or approve with modifications. Upon a favorable finding, the Commission shall approve a conditional use application within 30 days following the public hearing. 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.

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

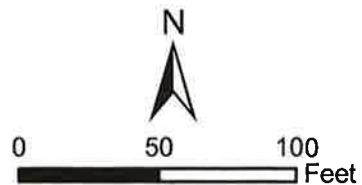
(C) *Action by the Planning Commission.* The Planning and Zoning Commission shall hold a public hearing and shall not approve a conditional use unless it finds that such use at the proposed location meets all of the following requirements:

- 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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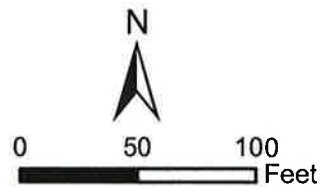
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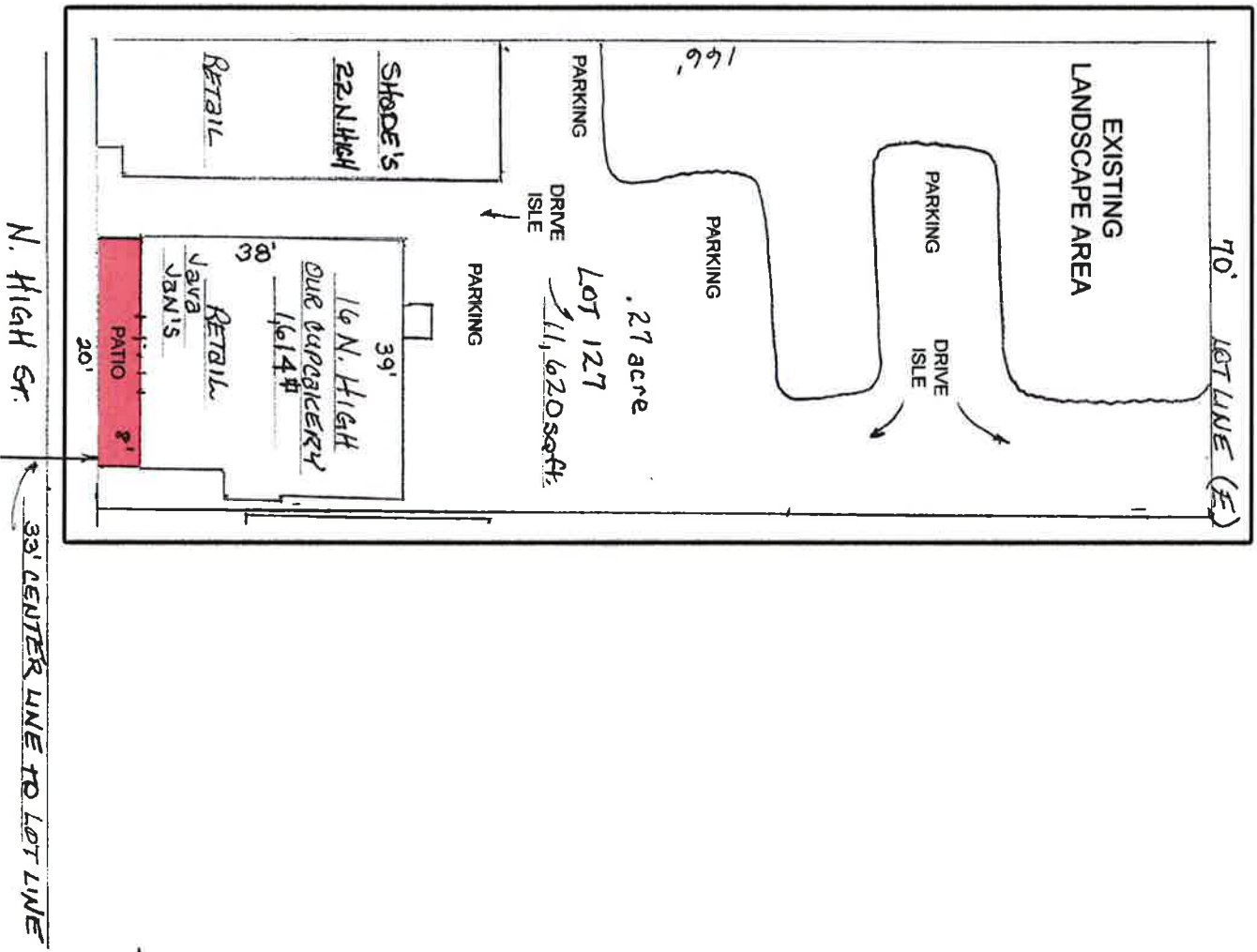


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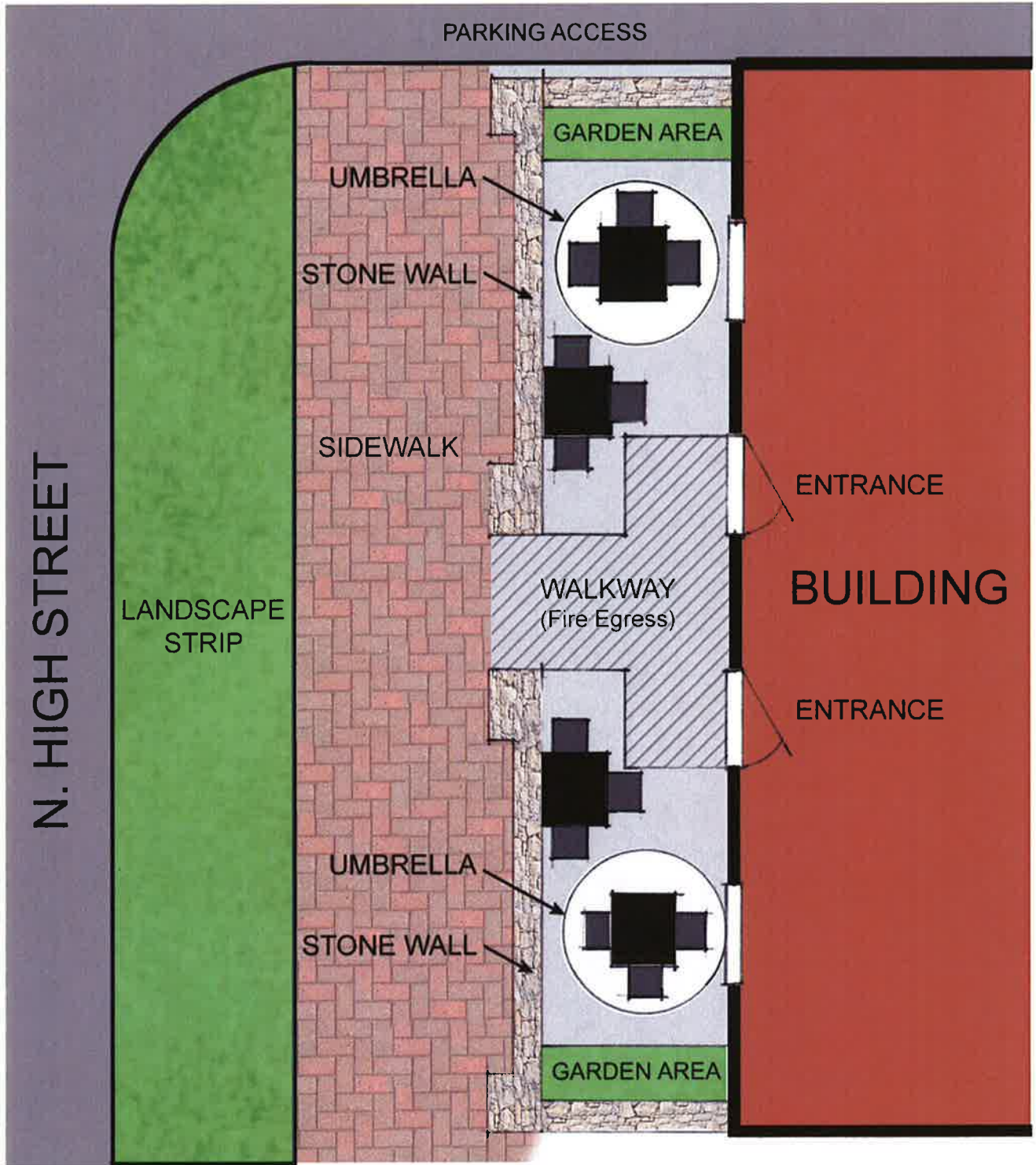


Existing Site Plan



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Proposed Patio Plan



Patio Elements

- 12 Chairs
- 4 Tables
- 2 Umbrellas

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