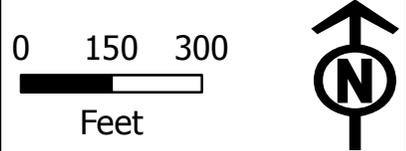


16-080WR
 Waiver Request
 Cap City - Block C
 6640 Riverside Drive





RECORD OF ACTION

Planning & Zoning Commission

Thursday, November 10, 2016 | 6:30 pm

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

3. BSD SRN – Bridge Park, Building C2, Cap City Diner 16-080WR 6640 Riverside Drive Waiver Review

Proposal: The installation of operable weather screens at a new restaurant on the first floor of building C2 of Bridge Park on the east side of Riverside Drive.

Request: Review and approval of a Waiver Review under the provisions of Zoning Code Section 153.066.

Applicant: Randy Roberty, Design Collective, LLC.

Planning Contact: Lori J. Burchett, AICP, Planner II.

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

MOTION: Mr. Brown motioned, Mr. Stidhem seconded to approve the Waiver Review with five conditions:

- 1) That the applicant will install Corradi USA-SL 135 hand crank system with shy zip tracks. Material is 8" woven acrylic borders (tempotest USA-Tempotest marine with 10 year warranty, T40779-60 'Silver Tweed') with clear vinyl windows (O'Sullivan Films-O'Sea clear vinyl; .030 gauge, marine grade) which is the same product as shown to the Planning Zoning Commission at the public hearing. Sun shades will be Mechosystems-Mecho/5 with manual operation with finish housing to match patio columns. The shade cloth will be ThermoVeil, Basket Weave 2100 'black' with 20% opacity;
- 2) That the applicant will only utilize the screens during inclement weather events and as shade for patio patrons;
- 3) That the screens are only permitted to be lowered during patio operation hours when patrons are present. At all other times, the screens shall be raised;
- 4) That the screens shall be replaced every five years or sooner as needed; and
- 5) That the applicant come before the Planning and Zoning Commission after two years from occupancy to ensure suitability of the product.

The applicant agreed to all the conditions.

VOTE: 7 – 0

RESULT: The Waiver Review was approved.



**3. BSD SRN – Bridge Park, Building C2, Cap City Diner
16-080WR**

**6640 Riverside Drive
Waiver Review**

RECORDED VOTES:

Victoria Newell	Yes
Amy Salay	Yes
Chris Brown	Yes
Cathy De Rosa	Yes
Robert Miller	Yes
Deborah Mitchell	Yes
Stephen Stidhem	Yes

STAFF CERTIFICATION



Lori J. Burchett, AICP, Planner II



**3. BSD SRN – Bridge Park, Building C2, Cap City Diner
16-080WR**

**6640 Riverside Drive
Waiver Review**

The Chair, Victoria Newell, said the following application is a proposal for the installation of operable weather screens at a new restaurant on the first floor of building C2 of Bridge Park on the east side of Riverside Drive. She said this is a request for a review and approval of a Waiver Review under the provisions of Zoning Code Section 153.066.

The Chair swore in anyone planning to address the Commission regarding this case.

Lori Burchett said the applicant is proposing to use a vinyl screen for their patio enclosure and that is not one of the permitted material within the Bridge Street District. She noted the application was tabled at the last review to work with staff to address the concerns of the Commission that included material quality and the use of vinyl screens. She presented an aerial view of the site for context as it relates to the other blocks in the Bridge Park development and the conditions proposed by the applicant. She explained these conditions address specifications of the materials that were shown at the previous meeting as well as utilization of the screens and their replacement. The proposed conditions are as follows:

- 1) The applicant will install Corradi USA-SL 135 hand crank system with shy zip tracks. Material is 8” woven acrylic borders (tempotest USA-Tempotest marine with 10 year warranty, T40779-60 ‘Silver Tweed’) with clear vinyl windows (O’Sullivan Films-O’Sea clear vinyl; .030 gauge, marine grade), which is the same product as shown to the Planning and Zoning Commission at the public hearing. Sun shades will be Mechosystems-Mecho/5 with manual operation with finish housing to match patio columns. The shade cloth will be ThermoVeil, Basket Weave 2100 ‘black’ with 20% opacity.
- 2) The applicant will only utilize the screens during inclement weather events and as shade for patio patrons.
- 3) The screens are only permitted to be lowered during patio operation hours; at all other times, the screens shall be raised.
- 4) The screens shall be replaced every five years.

Ms. Burchett said material samples are available as well additional renderings. She presented graphics of the sunscreens as they would appear raised and lowered on the elevation that faces Riverside Drive and the corner of the elevation that faces Riverside Drive to the west and public open space to the north.

Victoria Newell asked if the graphic is a photograph of an actual sunshade lowered or a computerized image. Randy Roberty, Design Collective, LLC, answered the graphic is an image of the material that will go into the sunshade and Photoshop’d onto the rendering as the patio is not built yet.

Steve Stidhem inquired about the replacement time proposed of every five years. Ms. Burchett reported that staff discussed the possibility of permitting the Commission to view the product sometime after occupancy to get idea of what the materials would look like and how it works in this scenario. She agreed that additional language should be added to that fourth condition so if the applicant needs to replace the materials sooner they are permitted.

The Commission discussed whether “inclement weather” should be defined and if specifications for permitting the lowering of the screens needs to be clearly defined; various scenarios were considered. The consensus was to not get too specific as it would become too much of a challenge for Code Enforcement.

Ms. Newell questioned the opacity of the Mecco shades. Mr. Roberty demonstrated the drop screen system and the Mecco shade proposed, which are 5% or 10% opacity. Ms. Newell said she thought the agreed upon opacity would be 20%. Ms. Burchett said 20% is written into the condition currently and everyone agreed that was the right level of opacity for this location.

Mr. Miller inquired as to how the five-year replacement will be recorded and enforced. Ms. Burchett said staff would tie it to the date of occupancy.

Mr. Miller said if the Commission were to approve this material, then anyone in the BSD would be permitted as well. Ms. Rauch added that as the BSD Code was being revised, this material could be added as a permitted material. She suggested this be approved for a one-year period and the applicant would be required to come back to the Commission or ART to review if this is working out. She said this would permit the conditions to be fairly generic when it came to "inclement weather" and when the screens would be permitted to be lowered.

The applicant requested a two-year review timeframe due to the cost of the materials and installation.

Ms. Newell said she really liked that suggestion because it is difficult to visualize what this is really going to look like installed and that provision would provide the Commission an opportunity to back out if they find the screens are constantly down, etc. She added that a two-year time period may be more reasonable.

Mr. Brown asked staff if they had any objections to this being used throughout the BSD. Ms. Rauch answered that staff does have concerns but they are willing to see what this looks like and obtain some real data because this product has not been approved anywhere else in the City. She said taking this up on a case-by-case basis is important because this could potentially come up in the Historic District, where it may or may not be appropriate.

Ms. Newell said she is willing to take a leap of faith so that this restaurant can be as successful as possible, just as we want everything in the BSD to be successful.

The following conditions were included as part of the approval:

- 1) The applicant will install Corradi USA-SL 135 hand crank system with shy zip tracks. Material is 8" woven acrylic borders (tempotest USA-Tempotest marine with 10 year warranty, T40779-60 'Silver Tweed') with clear vinyl windows (O'Sullivan Films-O'Sea clear vinyl; .030 gauge, marine grade) which is the same product as shown to the Planning Zoning Commission at the public hearing. Sun shades will be Mechosystems-Mecho/5 with manual operation with finish housing to match patio columns. The shade cloth will be ThermoVeil, Basket Weave 2100 'black' with 20% opacity.
- 2) The applicant will only utilize the screens during inclement weather events and as shade for patio patrons.
- 3) The screens are only permitted to be lowered during patio operation hours when patrons are present. At all other times, the screens shall be raised.
- 4) The screens shall be replaced every five years or sooner as needed.
- 5) That the applicant come before the planning and zoning commission after two years from occupancy to ensure suitability of the product.

The applicant agreed to all the conditions.

Motion and Vote

Mr. Brown motioned, Mr. Stidhem seconded, to approve the Waiver Review. The vote was as follows: Ms. Mitchell, yes; Mr. Miller, yes; Ms. De Rosa, yes; Ms. Salay, yes; Ms. Newell, yes; Mr. Stidhem, yes; and Mr. Brown, yes. (Approved 7 – 0)

**4. Perimeter Center, Subarea G1- Craughwell Village Condominiums
16-084Z/PDP/FDP 6185 Craughwell Lane
Rezoning/Preliminary & Final Development Plans**

The Chair, Victoria Newell, said the following application is a proposal for a rezoning to amend the approved development text of a Planned District to revise permitted building materials and architectural elevations and the replacements of roofing and building materials for an existing condominium development on the south side of Perimeter Drive at the intersection with Craughwell Lane. She said this is a request for a review and recommendation of approval to City Council of a Rezoning with a Preliminary Development Plan and a review and approval of a Final Development Plan under the provisions of Zoning Code Section 153.050.

The Chair swore in anyone planning to address the Commission regarding this case.

Jennifer Rauch presented an aerial view of the site as well as the existing building conditions. She noted the development text is very specific with regard to architectural designs and elevations. She said the applicant is proposing to renovate these buildings due to significant maintenance and material life cycle issues, water infiltration, and lack of installation details when the structures were originally built. She noted the renovation will consist of replacing the existing wood shake shingle roof with dimensional asphalt shingles, remove all stone from the buildings, repair and replace all damaged sheathing and framing and replace the stone at the lower level in kind and install stucco in the upper two levels in a matching color and finish. She said all the windows and existing stucco and stone chimneys will remain in existing condition.

Ms. Rauch presented a proposed design from the southeast perspective as part of the Final Development Plan. She said the applicant is proposing to change the location of the building materials; where there is a stone section they are proposing to remove the stone but the lower level will be replaced with stone and the upper stories will have stucco. She presented a before and after graphic. Two different colors of stucco are being proposed she said depending on cohesion of the building; the existing brick detailing will remain. She indicated the overall style of this development is remaining.

Ms. Rauch said approval is recommended of the Rezoning with a Preliminary Development Plan with no conditions to City Council and approval is recommended for the Final Development Plan with no conditions.

Bob Miller confirmed the garages have asphalt shingles on them currently.

The Chair invited the applicants to present.

Lisa Pearson, Case Bowen Company, 6255 Corporate Center Drive, and Jim Bender, JL Bender Inc., Architects and Planners, 3340 Riverside Drive, Upper Arlington, Ohio.

Mr. Bender said he has had some very challenging technical problems with this development that are not on the surface. He said they want to preserve the architectural appearance of the development. He said the stone on these massive stone structures are causing all the problems so that is where their focus is. He indicated they want to improve the value for both the community and the people that reside there and the way to make it better is to lighten it up and make it fresher for a 2016 look. He said the stone is not real stone, it is constituted stucco and they believe that by removing some of the stone and replacing



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PLANNING AND ZONING COMMISSION

RECORD OF ACTION

OCTOBER 13, 2016

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

**4. BSD SRN – Bridge Park, Building C2, Cap City Diner 6640 Riverside Drive
16-080WR Waiver Review**

Proposal: The installation of operable weather screens at a new restaurant on the first floor of building C2 of Bridge Park on the east side of Riverside Drive.

Request: Review and approval of a Waiver Review under the provisions of Zoning Code Section 153.066.

Applicant: Randy Roberty, Design Collective, LLC.

Planning Contact: Lori J. Burchett, AICP, Planner II.

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

MOTION: Mr. Brown motioned, Ms. De Rosa seconded to approve the request of the applicant to Table the Waiver Review case.

VOTE: 6 – 0

RESULT: The Waiver Review was tabled.

RECORDED VOTES:

Victoria Newell	Yes
Amy Salay	Yes
Chris Brown	Yes
Cathy De Rosa	Yes
Robert Miller	Yes
Deborah Mitchell	Absent
Stephen Stidhem	Yes

STAFF CERTIFICATION

Lori J. Burchett, AICP, Planner II

**4. BSD SRN – Bridge Park, Building C2, Cap City Diner
16-080WR**

**6640 Riverside Drive
Waiver Review**

The Chair, Victoria Newell, said the following application is a proposal for the installation of operable weather screens at a new restaurant on the first floor of building C2 of Bridge Park on the east side of Riverside Drive. She said this is a request for a review and approval of a Waiver Review under the provisions of Zoning Code Section 153.066.

The Chair swore in anyone wishing to address the Commission regarding this case.

Lori Burchett presented an aerial view of the project site. She explained the applicant is requesting a Waiver Review for a material that is not permitted within the Bridge Street District. She said the applicant is proposing the use of weather screens, which will surround the outdoor patio space and be used during inclement weather and also during peak sun exposure. She said this screen would be mounted to the underside of the patio ceiling and also raised and lowered through a metal track. She stated the proposed material is a clear plastic panel, edged with a woven acrylic wrap fabric.

Ms. Burchett presented graphics of the patio space with the screens both raised and lowered. She said the applicant has provided examples of the material in other locations, which include the Rusty Bucket in the Easton Town Center.

Ms. Burchett said staff and the ART reviewed this request against the review criteria and determined the criteria were not met, therefore recommended disapproval of the Waiver.

David Miller, 515 Park Street, said he is the president of Cameron Mitchell Restaurants and they have been in business together about 20 years. He said between the vision of staff and Crawford Hoying Development Partners, they could not be more excited. He said they look at this location as a true destination for many years to come. He noted Cameron Mitchell has committed to three projects in this Bridge Street development. He said that should show the confidence they have in the City and Crawford Hoying to deliver a great product. He said he understands there are guidelines set that the Commission feels the applicant could utilize to design their patio. He said he has built over 70 restaurants with Cameron Mitchell and has been involved in the design for every single one of them since Martini, which is their third restaurant. He said he has learned over the years how to create a great ambiance and a warm and inviting environment. He stated they have designed many terraces and patios from Beverly Hills, CA to Boston, MA, to Naples, FL, to Dallas, TX, and everywhere in between. He indicated one thing he has learned about outdoor dining is guests love it and it creates such a synergy and energy to the restaurant's ultimate success. He explained they go through careful planning to provide an environment and take the intensity and the passion that they take to design their menu, the quality of product they put on their plates, to designing their patios.

Mr. Miller said he wants the Commission to consider what they have proposed in creating an outdoor environment that is truly open and transparent when it needs to be but has the opportunity to protect the guests when there is inclement weather. He restated they have done this in many communities; he referenced the Hudson 29 in New Albany, Ohio, and said they want to do exactly what they are showing here. He said New Albany was not excited about it initially either but once they convinced them the outdoor restaurant space would complement the buildings around, they accepted it and the terrace has become their biggest success at that location. He referenced Easton Town Center for incorporating restaurants amidst the retail to bring activity, excitement, energy, and the people on the street. He said patios and terraces provide a great urban environment in a suburban market. He said they have had great success with the Ocean Club at Easton for years. He concluded the patio is such an important element to Cameron Mitchell Restaurants that if they cannot build it right, they will not build it.

Randy Roberty, Design Collective, 151 E. Nationwide Boulevard, said he would speak to the qualities of the product itself. He said a lot of the issues with these screens seem to come from the fear of the material - the clear vinyl insets. He said they view these screens as more of an umbrella or awning type product rather than a building material because they are brought in after the building is already constructed and attached simply to the structure itself. He indicated they function as an umbrella would; raise and lower an umbrella to shield off and fend off the weather. He said it functions as a piece of furniture and an accessory. He explained the perimeter of the screens is a woven acrylic so they have eliminated the visible vinyl. He said the woven acrylic is approved all through Dublin via awnings and umbrellas. He said the clear vinyl itself is a high end, marine grade vinyl that does not yellow as seen in the lower end products. He stated Cameron Mitchell runs high end restaurants and they will not allow the screens to decay or look bad; they have a reputation and standards they are trying to maintain.

Cathy De Rosa asked if the proposed application is the same as what is at the Ocean Club today. Mr. Roberty answered it was but the difference is the Ocean Club is entirely vinyl, including the perimeter.

Bob Miller asked what other materials the applicant vetted for this location considering it is a prime spot for this development. Mr. Roberty said there are a lot of other options but not as flexible as this application. He said a more permanent solution would be a garage door, a NanaWall, an operable wall, or some sort of window system but the down size to those are you are no longer creating a patio but an interior addition at that point. He said all of those alternatives are going to require foundations, a wall below them, significant jams, or wall systems stack into nested panels so that takes up a significant amount of space. He said the clear site lines would be lost. He said they want an open patio that feels like a patio and has that energy and appeal to the guests.

Mr. Roberty presented the mock-up of the proposed product and explained it would nest behind the structure of the patio canopy so they would not be visible when raised, going away entirely.

Ms. De Rosa asked if the intent was to use the patio year round. Mr. Roberty answered he did not as the thin fabric will not do much to shield guests from the cold. He said the season would extend into the fall and early spring.

Steve Stidhem asked if there are heaters in the patio area. Mr. Roberty answered there are electric heaters for cooler days but will not provide enough heat in the dead of winter.

Victoria Newell asked if they intend to keep those closed all winter long. Mr. Roberty answered no, they would be raised up and maintained up as much as possible to keep this patio open. He said the primary function is to shield guests from weather. He said if the patio is full of 66 guests the screens can be lowered if a storm blows in. He said evacuating a patio is not a recipe for success.

Chris Brown asked if the screens would only be used if diners were present and not to close up the space at night or off business hours. Mr. Roberty answered that was correct.

Ms. De Rosa said she thought the screen at the Ocean Club was up pretty much year round. She said she has eaten in that patio in December. Mr. Miller said the screens are manual roll-ups at the Ocean Club that they did many years ago. He said the system they are proposing is the latest and greatest and it has been used the past couple of years. He said it is sophisticated with clean lines. He said with this system, you do not hardly know they are there unless they are lowered.

Ms. De Rosa said the screens at the Ocean Club in December do not work very well.

Mr. Miller said there are planter boxes at the base so it is not an insulated wall. He said the screens would be used 7 – 8 months per year and not for 3 – 4 months.

Amy Salay inquired how this product would shield from sunlight and direct sun on a western exposure. Mr. Roberty said typically there is a separate roller shade installed on the inside of this that would be similar to what you would see in a window to be raised and lowered to function in conjunction with this.

Ms. Salay clarified there is a separate product not being shown. Mr. Roberty said it is part of this system.

Ms. Newell asked if he was speaking about a Mecho shade to which he answered affirmatively.

Ms. Newell explained the Mecho shades have small perforations in them so they have percentages of opacity to them. She said when the screen is down, you can still see images through the screen.

Mr. Roberty said they are installed at the Rusty Bucket in Dublin.

Ms. De Rosa inquired about the replacement cycle. Mr. Roberty answered typically 5 years.

Nelson Yoder, Crawford Hoying Development Partners, said they are really happy to have Cap City as part of the development. He said Crawford Hoying is fully in support of the proposal and they have full confidence in them as operators to ensure this is quality, top-notch addition to the development. He said he likes that they are bringing expertise for patio environments to the Bridge Street project.

Ms. De Rosa asked if it is possible to say from this month to this month it is not allowed. She said it is not necessarily a good-looking product. She said if the goal is to only have these up during inclement weather, if limiting the time frame is possible.

Phil Hartmann said he thought time limits could be an option but the conditions need to be carefully crafted.

Mr. Stidhem asked if there were already rules in place about outdoor furniture in the winter. Ms. Salay said there are. She said they used to talk about required storage of outdoor furniture from November through April for example but then they started having these nice falls and the time extended into the Christmas season. She said they heard from restaurant owners wanting to have the furniture out for whenever they have a nice day. She indicated patio furniture is out most of the time in downtown Dublin.

Vince Papsidero said the Code prohibits outdoor furniture in the winter/off season in the BSD. He said the action tonight is to approve this as well as the conditions. He said they will take that into the Code update because this would be setting a new standard as this material is not permitted in the BSD, anywhere.

Ms. Salay asked what staff would suggest for a situation like this. She asked for an alternative material because the vinyl is not the most beautiful product in the world.

Claudia Husak indicated staff discussed how there are numerous patios within the City that have operated apparently successfully and dealt with the seasons and the only request that ever went forward along those lines was for Montgomery Inn and ended up with a more four-season room after appearing in front of the Commission. She said they had discussed the NanaWalls that even the developer is looking at for other patio spaces. She said they either wanted a more permanent type NanaWall system or do what everyone else does.

Ms. De Rosa inquired about the NanaWall system. Ms. Newell said it is a name of a manufacturer but basically it is moveable wall partitions made of glass framed in wood or metal. She said they can slide across each other or accordion in.

Mr. Brown said the downside of that is that it is always there and it is a four-season room. Ms. Newell added it requires stacking space so when it is open those panels have to sit someplace.

Mr. Brown said he loves patio spaces; he would rather dine outside than in. He said this is the perfect location for a patio, being able to look over the whole park and see the pedestrian bridge. He indicated that is the best vinyl system he has seen, given it is in a track and not woven or laced around a pipe but it is still a vinyl product that he struggles with, particularly that location right on Riverside Drive.

Mr. Miller said they have a restaurant on Camden, which is a half a block from Rodeo Drive. He said they received similar comments like this when they approached them. He said we like Commissions because they have a bigger vision of what is happening than just allowing anybody to come in and build what they want. He said their standards were high and were able to get them over the hump as well. He said today it has been voted the best terrace of Beverly Hills, CA and now they have set precedent that others are following. He emphasized that pedestrian activity that is happening on the streets is what they want there. He said he understands the Commission's concerns but they have spent several hundreds of thousands of dollars on these systems all over the country. He said they actually found this system in Dallas, TX from a gentleman that did a lot of work on yachts. He said the vinyl lasts a long time and does not crack or fade. He ensured the Commission that if the system at the Ocean Club starts to break down, he is replacing it but realizes that not everyone has their high standards. He indicated that once you set precedent, you have to have ways to manage it.

Ms. De Rosa said we do not specify manufacturers but vinyl is vinyl.

Mr. Papsidero said staff would work at ways to define specifications that match whatever this material is in terms of thickness, color, edging, and replacement cycle, etc.

Ms. De Rosa asked if it would be realistically enforceable by staff to manage these.

Mr. Papsidero said it would need to be something that is easily administered and everybody was to do that.

Mr. Brown said there would need to be a definition of when they are rolled up and concealed versus when they are permitted to be down so it is during customer hours, when the temperature is over X or inclement weather so they are not down all the time.

Mr. Papsidero said they could meet reasonable standards but could not monitor temperature. He said some will be complaint driven as the City is not going to send Code Enforcement Officers out there to monitor the use of these screens.

Ms. Newell inquired about setting precedent since this is a restaurant. She said there will be a lot of different uses in Bridge Street and if granting a Waiver would apply to everybody.

Mr. Papsidero said without changing the Code, any other retail would want to use similar material that would require they request a Waiver. He said the ART would not go beyond that and would follow the same process.

Ms. Newell asked what would be wrong with that process. Mr. Papsidero explained that once the precedent is set by the Commission you would be hard pressed to deny a request. Mr. Hartmann said he totally agreed. He said he would be concerned but conditions can be set like how long they can be lowered and things of that nature.

Ms. Newell said the quality of materials would need to be stipulated and a manual system could not be permitted. Other possible conditions to consider were discussed by the Commission.

Mr. Brown noted that businesses in Old Dublin do not have that luxury.

Ms. Newell said she was also considering all other patios, not necessarily just those in the BSD.

Ms. Salay referred to the picture with the metal frame and asked for clarification on the system and materials.

Mr. Miller said he was not sure he could agree because he sees where staff decided criteria was not met. He said he is considering the amount of traffic that will go by that location and the importance of the integrity of the whole development. He said he cannot get past the fact there are solutions that can be put in place but are probably going to be much more expensive than what is being proposed. He said the precedence that would be set across the rest of the development is a problem and asking the City to regulate when these screens are up or down and when they are replaced does not seem reasonable.

Ms. Newell agreed that was a good point.

Mr. Brown said he does not disagree with Mr. Miller but he has considered how garage doors or NanaWalls would appear. He said he would rather have it open.

Mr. Miller said that whole elevation faces west; there will be the need to have some sort of sun screen. He said otherwise the space could not be used in July or August because the space would be too hot. He indicated he did not know what the solutions are but is not real keen on the vinyl.

Ms. Newell said there are other spaces that face the sun and they do not have any more shelter with an awning or no awning at all.

Ms. De Rosa said she is considering the vibrancy this could create in the very edges of the season. She indicated people do like to be outside with a streetscape and see activity. She said she is not certain this is the right material but finding something would be beneficial.

Ms. Newell said she agrees with Mr. Brown but once we do it here, we have opened that up everywhere, across the City, so we need to ask ourselves, if we are going to allow it at this location, we will invariably be allowing it at all patio locations.

Ms. Salay asked how we are going to feel about this everywhere in the Historic District. Ms. Newell said that is what she is struggling with. She said she loves the energy and wants everybody out on the patio and indicated we will end up with this potentially everywhere.

Ms. Newell said she did not feel further discussion this evening would get them any closer to a decision.

Brent Crawford, Crawford Hoying Development Partners, 555 Metro Place, said as a landlord, they are very concerned about the look of the patio as well but they are very much for the screens. After going to see this in lots of different locations and finding the most successful ones have this in the country so it is not an unusual thing. He said if it is a beautiful, 70-degree day and the sun is not shining directly on the patio guests, therefore, the City would not want to see the screens down but if it is a driving rainstorm he does not think the people driving by would be concerned and people would not be walking on the street at that point. He thinks this will be a limited number of days per year this will happen. He said he wants the restaurants to be as successful as they can and to take away those days is a decent amount of revenue over time. Knowing lots of the other restaurant owners in Dublin, he said if they had the ability to do it they would. He said he knows they are successful otherwise but there is a reason Tucci's puts their big tents out on occasion on their patios; they want to pick up additional days whether it be sun or rain or whatever the case may be.

Mr. Crawford said if this is not approved, they would be obligated to tell potential tenants this type of cover would not be permitted and indicated that could be an issue for them, leasing to other tenants and some of the negotiations they have going on now.

Ms. De Rosa said Mr. Crawford said it would only be down during rainstorms so what about days to protect guests from the western sun exposure. Mr. Crawford said the sun as well. Ms. De Rosa said that would cover June, July, and August. Mr. Crawford said at 6 - 7 pm the patio will be in direct sun right into the side of that building so something would need to be there. Ms. De Rosa confirmed that is not really a limited time, to be clear.

Mr. Crawford reminded the Commission that there is a sun screen behind the acrylic.

Ms. Newell inquired about the opacity of the Mecho shades proposed. Mr. Roberty answered they have not yet determined the opacity, specifically.

Ms. Newell said when it is at a lower opacity, there will be more visual site through it; from a distance, one could still see people sitting there and see into the space but it still provides some effective sunscreen control. She said the higher that is, it will start to become like a blackout screen. She encouraged the applicant that if this product is something they are going to entertain for approval, that opacity needs to be down low at the 10 – 20% range. Mr. Roberty agreed. She added you will want to have that connection with the activity both from the outside and within the patio.

Mr. Roberty said they would use a combination of the drop screen and the Mecho shade to combat the concern of it being down too frequently. He restated this is a dual roller system.

Ms. Newell asked how Staff would condition this so the screens would not be down all the time. Mr. Hartmann said we have been through this with different products. He thought maybe this would need to be self-policing. Ms. Newell said the screens are automated so it is just a matter of flipping the switch. Mr. Hartmann said coming up with temperatures to regulate this would be tough for Code Enforcement.

Ms. Newell also pointed out that her fellow Commissioners have stated the concern about times when it is 11 pm at night and the restaurant is now closing for the evening, they need to be up and that needs to be clear. She said she aligns this with the regulations that call for businesses to have their lights turned off at a certain time. She cited the auto dealerships as an example where they are asked to turn off their lobby lights at a specific hour at night unless they are still conducting business.

Mr. Brown said it is actually defined when the patio is in use. He said if there are no customers out there, the screens are to be up.

Mr. Stidhem said he did not think Staff could condition it by dates.

Mr. Papsidero stated Staff has not heard about this sunshade until now, during this meeting. Ms. Salay noted there are no graphics showing the sun shades.

Mr. Roberty said he thought the sun shades were listed on the original plans submitted for the ART.

The Chair said the applicant has the ability to ask the Commission to table this proposal this evening to allow them to bring the sun shade in and show her fellow Commissioners that do not know what a Mecha shade looks like.

Mr. Roberty said they would like to table it and get a mach up of the sun shade as well, defining the opacity.

Motion and Vote

Mr. Brown motioned, Ms. De Rosa seconded, to approve the request of the applicant to table the Waiver Review case. The vote was as follows: Mr. Stidhem, yes; Ms. Newell, yes; Ms. Salay, yes; Mr. Miller, yes; Ms. De Rosa, yes; and Mr. Brown, yes. (Approved 6 – 0)

5. Shier Rings Roadway Corridor Character Study 13-073ADM

Administrative Review

The Chair, Victoria Newell, said the following application is a proposal for a roadway character study defining the future character of the Shier Rings Road corridor between Cosgray Road and Shamrock Court. Development character and transportation network recommendations to guide future public and private improvements along this roadway. She said this is a request for a review and recommendation of approval to City Council for a new Area Plan as an addition to the Community Plan under the provisions of Zoning Code Section 153.234.

Joanne Shelly said she gave the Commission an overview of the plan in August. She ran through her presentation again.

Ms. Shelly said Shier Rings is one of the commercial corridors with mixed-use industrial, commercial, and warehouse uses, adjacent to some residential areas. She presented a map of the study area and explained the purpose is to provide policy and general design guidance for future roadway and land use improvements in the Shier Rings Corridor. She presented the project process and the goal is to get it adopted. She reported since she presented this the last time to the Commission, staff held an open house stakeholder meeting and a few comments were received primarily from residents at Ballantrae who were concerned about what was going to happen at their end of the corridor. She said the City is entertaining some opportunities with the West Innovation District. She said most people were happy to see the shared-use path and the sidewalks being more firmly implemented when development occurs.

Ms. Shelly said this study includes several business corridors and each of those have their own character and this is just a way to unify the road itself. She presented the analysis and explained there are two types of landscapes (wooded, and more manicured). She said historic homes are mixed in with office industrial. She stated the goal is to complete all the incomplete paths and provide the multi-use path system prevalent in the rest of the City. She said the recommendation is to expand the right-of-ways when necessary as determined by traffic studies.

Ms. Shelly said this will demonstrate to the potential developers the City's long range view of how property should be developed with regards to design, visual characters, and details will be implemented on a case by case basis.

Ms. Shelly said Planning is requesting that the Commission recommend approval to City Council of the Shier Rings Road Corridor Character Study for adoption as an amendment to the Dublin Community Plan.

Cathy De Rosa said it is very well prepared. She inquired about shared use lanes and bike lanes on the street. Ms. Shelly explained the shared use paths are an asphalt surface whereas sidewalks are concrete and slightly narrower and not as conducive to riding a bike. She said on one side of the street should be a shared use path and on the other side of the street there would be a sidewalk. She explained that the "bike paths" in the road Ms. De Rosa is referring to are actually sharrows, which are shared lanes; the standard street width is expanded to an additional four or five feet to accommodate a vehicle passing a bike if the bike so chooses to use the roadway. In the state of Ohio, she said a bike is legally allowed to use the road and occupy a lane so this allows the bike and a vehicle to share a lane when the vehicle wants to overtake the bicycles, for safety.



ADMINISTRATIVE REVIEW TEAM

RECORD OF DETERMINATION

AUGUST 18, 2016

The Administrative Review Team made the following determination at this meeting:

- 1. BSD SRN – Bridge Park, Building C2 - Cap City 6640 Riverside Drive
16-063MPR Minor Project Review**

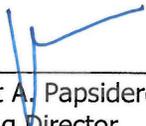
Proposal: Tenant space fitting for the first floor of building C2 within the Bridge Park Development on the east side of Riverside Drive.
Request: Review and approval for a Minor Project Review under the provisions of Zoning Code §153.066.
Applicant: Randy Roberty, Design Collective.
Planning Contact: Lori Burchett, AICP, Planner II; (614) 410-4656, lburchett@dublin.oh.us

REQUEST: Approval of this request for a Minor Project Review with the following condition:

- 1) That should the applicant pursue enclosure of the patio space, they would submit more details of the materials for review and approval by the ART.

Determination: This application was approved. This approval shall be valid for a period of two years from the date of approval in accordance with Zoning Code §153.066(N)(6)(b).

STAFF CERTIFICATION



Vincent A. Papsidero, FAICP
Planning Director



ADMINISTRATIVE REVIEW TEAM

MEETING MINUTES

AUGUST 18, 2016

ART Members and Designees: Vince Papsidero, Planning Director; Donna Goss, Director of Development; Jeff Tyler, Building Standards Director; Aaron Stanford, Sr. Civil Engineer; Mike Altomare, Fire Marshall; Alan Perkins, Fire Plans Examiner; and Shawn Krawetzki, Landscape Architect.

Other Staff: Logan Stang, Planner I; Claudia Husak, Sr. Planner; Lori Burchett, Planner II; Nichole Martin, Planner I; and Laurie Wright, Administrative Support II.

Applicants: Randy Roberty and Brent LaCount, Design Collective; and Steve Weis, Cameron Mitchell Restaurants (case 1); Steven Roberts, SRA Architects; Subhas Patel, Towneplace Suites (Case 2); and Russ Hunter, Crawford Hoying Development Partners; and Greg Briya, Moody Nolan, (Case 3).

Vince Papsidero called the meeting to order at 2:01 pm. He asked if there were any amendments to the August 11, 2016, meeting minutes. The minutes were accepted into the record as presented.

DETERMINATION

**1. BSD SRN – Bridge Park, Building C2 - Cap City
16-063MPR**

**6640 Riverside Drive
Minor Project Review**

Lori Burchett said this is a request for a tenant space fitting for the first floor of building C2 within the Bridge Park Development on the east side of Riverside Drive. She said this is a request for a review and approval for a Minor Project Review under the provisions of Zoning Code §153.066.

Ms. Burchett reported the ART reviewed the application on August 11, 2016, and were generally supportive of the overall design; however, they were not in support of the use of vinyl screens along the patio as this is not an approved primary or secondary material. She said in order to gain approval for the vinyl screens, it would require a Waiver from the Planning and Zoning Commission. She said Staff conducted a thorough internal review and found everything else to be in compliance. She explained the applicant will need to return with a separate application for sign review and approval.

Jeff Tyler inquired about the tree grates. Ms. Burchett answered the grates are part of the streetscape. She said she was not certain of the tree type proposed for that specific area but it would be a size where it could be pruned as it grew to prevent as much pedestrian conflict as possible. She said this scenario is no different than anywhere else in the BSD.

Donna Goss asked about the space between the tree pit and the front door as it appeared tight. Randy Roberty, Design Collective, answered there is about seven or eight feet between the pit and the revolving door. He asked if the tree could be eliminated. Ms. Burchett reiterated it is part of the planned streetscape and it is already in the process of being planted.

Ms. Burchett said inquiries were made concerning any possible encroachment conflicts. She presented the approved site plan and explained the patio is in the same location that was approved.

Mr. Roberty indicated he would need to go in front of the PZC for any possible chance of having the vinyl screens. Vince Papsidero said the ART has to follow the Code and if it does not allow it then they cannot support it.

Mr. Roberty explained the vinyl screens would act as blinds or curtains to provide shade from sun or rain. He added the element would be detachable and not permanent.

Jeff Tyler asked if the vinyl screens were to provide protection during the winter so the patio could be used year round. Brent LaCount, Design Collective, answered the intent was not for winter but possibly in the fall and spring when the weather was not extreme. He explained the operational intent is to be able to fill the patio full of guests but if it began to rain and there was already a restaurant full of guests, there would be no place to move them. He said the screens would serve like an umbrella, providing a weather guard; the patio would be too cold for mid-winter use in Ohio.

Mr. Roberty distributed additional graphic examples of vinyl screens.

Mr. Papsidero indicated some members had the impression the vinyl screens were for use in the winter before today's clarification.

Mr. Tyler asked if heat would be provided in the patio area. Mr. Roberty said there will be small heat elements for the spring and fall but no HVAC systems.

Claudia Husak said vinyl screens have never been approved for use anywhere in Dublin.

Mr. Papsidero restated a Waiver would need to be requested from the Commission. Mr. Roberty asked if the Waiver could be sought after this MPR was reviewed and approved to which Mr. Papsidero answered affirmatively.

Mr. Papsidero asked the applicant if they had considered an alternative material. Ms. Husak said if they were interested in something of more of a permanent nature, she suggested the Rusty Bucket utilizes garage doors for their patio space.

Mr. Roberty said an alternative could be canvas but then it is not clear. Steve Weis, Cameron Mitchell Restaurants, said they would like a product that is as transparent as possible.

Mr. Roberty said they had really hoped to extend the dining experience outside.

Mr. Tyler asked what the solution is if the vinyl screens are not approved. Mr. LaCount answered there is no plan B. He said the patio faces west but the prevailing winds and storms come from that direction. He said they could not seat patrons with confidence in the patio area if there was no protection to offer. Mr. Weis said if they cannot get approval for vinyl screens, they would have to rethink their strategy. Mr. Papsidero suggested bringing in a sample vinyl so the ART could inspect it. He added the vinyl screens could certainly set a precedent in the area. Ms. Husak stated there are plenty of restaurants in the City that have patios that do not offer protection from the weather.

Mr. Tyler said he is not comfortable with supporting a Waiver request at the ART level; he encouraged the applicants to seek other solutions.

Mr. Papsidero asked if the case should be tabled to permit the applicant time to obtain and present an actual sample of the vinyl screening.

Shawn Krawetzki said there is no guarantee there will be clarity with the material and he has seen similar materials that work for a while but then crack and become less than desirable. Mr. Roberty said Cameron Mitchell is quite meticulous and would ensure the screens be maintained at a high quality.

Mr. Tyler indicated the ART likes everything else proposed.

Ms. Burchett said approval is recommended for the Minor Project Review with the following condition:

- 1) That the applicant submit a revised plan showing a primary or secondary material for the patio screening.

She asked the ART if they would like the case tabled or whether the MPR could be approved with the amended condition as follows:

- 1) That should the applicant pursue enclosure of the patio space, they would submit more details of the materials for review and approval by the ART.

Mr. Roberty indicated that he would like a recommendation for the MPR and move forward. He said if they decide on an alternative for the vinyl screening or change their plan, they would submit a new application.

Donna Goss said she understands the intent and why the applicant would want a screen but the material is an issue and it cannot be supported without some precedence.

Vince Papsidero asked if there were any further questions or concerns regarding this application. [There were none.] He confirmed the ART's approval of the Minor Project Review with the revised condition.

PRE-APPLICATION

2. BSD C – Upper Metro Hotel

5155 Upper Metro Place Pre-Application Review

Logan Stang said this is a request for the construction of a five-story hotel and associated site improvements for an undeveloped parcel on the south side of Upper Metro Place approximately 800 feet west of the intersection with Frantz Road. He said this is a request for a review and feedback for a future application within the Bridge Street District under the provisions of Zoning Code §153.066.

Mr. Stang explained the site runs along the border of the Bridge Street District and is zoned BSD Commercial where a hotel use is permitted. He presented the proposed site layout. He said the hotel would be along the curve and it sits back due to an existing easement on the property. He said a Waiver would be required for the front RBZ due to the easement. He said landscaping would make the frontage pedestrian friendly. He said there are two access points; one is existing and the other would line up with the office across the street. He said 102 guest rooms are proposed so they are requesting 102 parking spaces that exceeds the code permitted number of spaces. He said the building is five stories and can either be considered a commercial mixed-use building or a large format commercial building. He indicated that another recent hotel in the area (Home2 Hotel) was granted a Waiver for a corridor building type and the applicants were wondering if that is applicable to this site.

Mr. Stang presented the submitted architecture showing various styles of similar sized hotels.

Steven Roberts, SRA Architects, referred to the enlarged plan. He explained that the Marriot brand requires 1 parking space per guest room and they are showing that requirement. He indicated the intention is to develop the site as a whole with daytime use of the parking spaces primarily for office or retail that could be shared with the hotel leaving enough spaces available at night for the hotel. He said the brand considers what is best for the hotel guests and the Hilton has a 100% guarantee for parking.

Vince Papsidero asked if construction of the parking lot could be completed in phases. He said the City is not a proponent for over parking. Mr. Roberts indicated that could be a consideration since they are planning hotels at each end of the site and the office on the out lot, in between to optimize frontage. He said eventually they would utilize 95% of the RBZ.