



MEETING MINUTES

Planning & Zoning Commission

Thursday, November 2, 2017

AGENDA

- 1. PUD - Crown Mercedes 6500 Perimeter Loop Road**
17-078Z/PDP/FDP Rezoning with Preliminary Development Plan (Approved 4 – 0)
Final Development Plan (Approved 4 – 0)
- 2. BSD C - TownePlace Suites by Marriott 5515 Upper Metro Place**
17-087CU/DP/SPR/PP/FP Conditional Use (Approved 4 – 0)
Development and Site Plan Reviews (Approved 4 – 0)
Preliminary and Final Plats (Recommended for Approval 4 – 0)
- 3. BSD SRN – Cap City Diner – Outdoor Speakers 6644 Riverside Drive**
17-105CU Conditional Use (Approved 4 – 0)

The Chair, Victoria Newell, called the meeting to order at 6:31 p.m. and led the Pledge of Allegiance. Other Commission members present were: Steve Stidhem, Cathy De Rosa, and Amy Salay. Deborah Mitchell and Bob Miller were absent. City representatives present were: Jennifer Rauch, Thaddeus Boggs, Logan Stang, Nichole Martin, Michael Hendershot, and Flora Rogers.

Administrative Business

Motion and Vote

Mr. Stidhem moved, Ms. Salay seconded, to accept the documents into the record. The vote was as follows: Ms. Newell, yes; Ms. De Rosa, yes; Ms. Salay, yes; and Mr. Stidhem, yes. (Approved 4 - 0)

Motion and Vote

Mr. Stidhem moved, Ms. Salay seconded, to approve the 2018/2019 proposed meeting dates. The vote was as follows: Ms. De Rosa, yes; Ms. Newell, yes; Ms. Salay, yes; and Mr. Stidhem, yes. (Approved 4 - 0)

Motion and Vote

Mr. Stidhem moved, Ms. De Rosa seconded, to approve the minutes from September 7, September 21, and October 5, 2017. The vote was as follows: Ms. Newell, yes; Ms. Salay, yes; Ms. De Rosa, yes; and Mr. Stidhem, yes. (Approved 4 - 0)

The Chair explained the rules and procedures of the Planning and Zoning Commission. She stated the two cases that were on the Consent Agenda were pulled so the Commission could hear the full presentations. She said the cases would be heard in the order they are published on the Agenda.



She noted that not all the Commissioners were present this evening – there are only four of them. She explained that if there is a split vote on any of the cases, the case will automatically fail as there is not majority ruling. She added that an applicant can request that their case be tabled to be heard by the full Commission at a later date.

**1. PUD - Crown Mercedes
17-078Z/PDP/FDP**

**6500 Perimeter Loop Road
Rezoning with Preliminary Development Plan
Final Development Plan**

The Chair, Victoria Newell, said the following application is a proposal for a building addition that will include the showroom, reception, and service areas; a cohesive sign plan; and associated site improvements for an existing car dealership on a 5.86-acre site, zoned Planned Commerce District – Perimeter Center, Subarea I. She said the site is southeast of the intersection of Perimeter Loop Drive with Mercedes Drive. She said this is a request for a review and recommendation of approval to City Council for a Rezoning/Preliminary Development Plan and a review and approval of a Final Development Plan under the provisions of Zoning Code Section 153.050. She said there will be two motions/votes this evening. The Commission has final authority on the Final Development Plan portion of this application, she said, and anyone that plans to speak about this application must be sworn-in.

The Chair swore in anyone intending to address the Commission on this case.

Nichole Martin presented an aerial view of the site and said the site is zoned PCD, Planned Commerce District. She said there are other auto dealerships adjacent to Crown Mercedes as part of the Crown campus as well as multi-family, residential to the north and commercial to the west and east.

Ms. Martin provided a review of the Planned District process as well as the background for this site. She noted that Perimeter Center is in one of the oldest planned districts within the City. She remarked that in 2002, there was a rezoning to amend some of the development standards that are unique to a campus dealership that is located on three separate parcels.

Ms. Martin presented the Perimeter Center Subarea Map, with Subarea I highlighted that includes three parcels but only the western most parcel is included in the rezoning this evening – referred to as proposed Subarea A.

The proposed site plan for Subarea A was presented, which includes three additions that will total ±8,220 square feet in size. Ms. Martin said the existing building is ±41,000 square feet. She highlighted the showroom addition that is on the north side of the building, a service reception addition centrally located, and 10 additional service bays (8 new) located on the south side of the building.

Ms. Martin presented the proposed architectural modifications, which are in keeping with the existing character of the dealership. She said the brick wing-walls are proposed to be removed and will include seven, three-finned columns as well as a new metal panel wing-wall that connects the existing structure to the showroom addition. She pointed out the south façade that is the proposed service addition that will have brick to match the existing structure. She said the north elevation that features the service reception addition will have EIFS to match the existing façade.

Ms. Martin presented a rendering of the proposed architectural character and she pointed out the seamless brick work, the removal of the wing walls, and a modern façade that has been integrated with the existing building character. Another proposed architectural character image was shown, which highlights the new metal wing-wall proposed that connects the two portions of the showroom.

Ms. Martin said parking in the development standards permits vehicle parking at rates similar to what is in the Zoning Code; the only deviation from Code is the applicant is permitted to park the service bays at the lessor of the two requirements, and count the service bay as parking space. She said there are 270 parking spaces on the site today, five spaces are being removed with the service addition but the site only requires a total of 166 parking spaces. She explained there is shared parking across all three sites and not every automotive dealership within this campus meets parking without looking at parking comprehensively. She said the development text states that any time there are site modifications, the applicant must provide a Parking Plan, demonstrating adequate parking.

The proposed landscape plan was presented. Ms. Martin said five protected trees would be removed with the expansion of the service center. She said the applicant is proposing a hedge treatment with additional deciduous trees along Mercedes Drive to enhance and buffer the adjacent residential area to the north. She reported that staff is requesting six additional evergreen trees be provided along there as well to screen some of the auto-oriented uses that occur on the site.

Ms. Martin said the final portion of this application is the sign plan. She said the applicant has expressed a desire to comprehensively review the signs across the site and attempt to clean up and update the appearance to be better architecturally integrated with the building. She explained that the development text defines a hierarchy of signs, which she presented on the proposed sign plan graphic in the following order:

- Campus ID – intended to identify the Crown brand across the automotive campus.
- Brand ID – identifies the existing Mercedes store within the Crown campus.
- Perimeter Wayfinding – at access points
- Address Numeral – existing campus identifier but is proposed to have the name removed and contain just the address (6500)
- Interior Wayfinding – existing signs that meet the Code requirements for directional signs

Ms. Martin presented graphics that serve as examples for the two Campus Identifier signs. She noted the one on Perimeter Loop is the monument sign, proposed at 48 square feet in area and 12 feet in height. She said the one affixed to the building is proposed at 42 square feet and will be 15 feet in height, measured to the top of the sign.

Ms. Martin presented graphics for the two Brand Identifier signs. She said these are limited by the text at 35 square feet in area and 15 feet in height to the top of the sign.

The Perimeter Wayfinding signs were presented as they exist currently. She said it is unclear to staff how the signs came to be in the first place because the City does not have permit records issued for them. She said, however, the applicant has expressed a need for them and has worked with staff to reduce the size and clean up the design. She explained these signs are permitted to have the brand name included and associated direction but are prohibited from having a brand logo.

Ms. Martin presented photographs of the current Interior Wayfinding signs that will be updated in line with the new sign designs, but will meet all Code requirements for Directional Signs. She then presented the Address Numeral sign both as existing and proposed noting this will not require a sign permit.

Ms. Martin concluded that two motions are required of the Planning Commission this evening. The first is a recommendation to City Council for Rezoning with a Preliminary Development Plan, which meets all requirements with no conditions. The second relates to the Final Development Plan, which is met with six conditions:

- 1) That a Parking Plan be provided to the City at Building Permitting;
- 2) That vehicle display and parking cease on any pervious area as it impacts stormwater management of the site;
- 3) That six additional evergreen trees be planted along Mercedes Drive to adequately screen the site from the adjacent residents and, the trees be field located with approval of the Zoning Inspector;
- 4) That the landscape plans be updated to clarify that trees will be replaced per Code, and all fees be paid per the City's fee schedule;
- 5) That a landscape plan be provided for the retaining wall and planting bed at the intersection of Perimeter Loop Road and Mercedes Drive to the satisfaction of the Zoning Inspector, prior to issuance of Building Permits; and
- 6) That the Final Development Plan zoning information be updated to incorporate all development text requirements.

Victoria Newell asked how the sign package compares to the MAG dealership. Ms. Martin said staff encouraged the applicant to model their development text after MAG's development text and their campus is even larger so it is permitted additional signs not being proposed with this application, specifically some of the campus brand wayfinding pillars. Ms. Newell asked if the quantity and size of signs was similar. Ms. Martin indicated quantity is similar and size is reduced.

Steve Stidhem asked why staff did not consider the metal wing wall as part of the sign package. Ms. Martin indicated that staff struggled deciding the brand logos are ground signs, or wall signs, or if the metal panel is a sign because there is a lot of case history contemplating similar situations to this in Dublin. One example being Land Rover where the panel was considered a sign because it was part of the Land Rover brand. In this case, she reported, the applicant expressed the architectural metal panel physically connects one existing portion of the building to the proposed addition and is not part of Mercedes branded colors, historically. She added it is part of their color package now. She concluded staff viewed just the logo as the sign, but did determine it to be a wall sign requiring it to be counted twice.

Cathy De Rosa agreed that sign fits the architecture of that building as an architectural element.

Ms. Newell said she wanted to ensure that the Commission was consistent. She said one auto dealership sitting next door to another auto dealership should never be treated differently. She indicated these two sites have been treated differently for an awful long time between the MAG dealership and the Crown dealership. She referenced their determination process for Land Rover.

The Chair invited the applicant to come forward.

Mike Close, 7360 Belaire Avenue, Dublin, Ohio, 43017, said he drove through MAG on the way to this meeting. He said they have not been treated the same. He said the applicant has been denied the exposure to the street that MAG has over the years. He indicated he started doing zoning in Dublin in 1977, and the plan they have now, came fairly shortly after that so it is time for a fairly substantial update. He said the applicant is doing this in part under pressure from Mercedes. He noted that MAG has a lot more signs than this applicant and they are larger.

Mr. Close said they are removing the two flying wing walls that are not attached to the building to be replaced with this single architectural feature that is required by Mercedes and does a lot to bring this building into the 21st century. He noted the modern appearance will be much more pleasing than it is now. He reiterated that if anyone goes to any Mercedes site, they would see that kind of brand identification.

Mr. Stidhem asked for clarification on the signs. Mr. Close said as they develop the other two parcels, he expects the interior signs to be similar but the external signs be different.

Ms. De Rosa inquired about the service bays. Mr. Close said the changes are to facilitate more service.

Ms. Newell inquired about the other sites. She said she is struggling with the rezoning on just this site while the other two are not being addressed because she does not want to end up without cohesiveness between the sites. Mr. Close explained what they did with this application is a Rezoning. He said on the other two sites, they will need to obtain signage approval along with some minor modifications. He indicated that those approvals will be based on the prior Final Development Plan or future Amended Final Development Plans.

The Chair invited public comment [hearing none.] She closed the public portion for the Commission's review.

Ms. De Rosa said this proposal is a fresh, modern update to what exists there today. She said without the black wall, the building would not have the same character. She said she is encouraged that there will be more landscaping as a buffer to the adjacent residential neighbors.

Mr. Stidhem said the building proposal looks really nice and it would appear very naked without that black wall.

Ms. Newell said her only concern is getting cohesiveness through the rest of the campus. She said she really likes the black wall. She asked if staff can condition this so the cohesiveness happens when the applicant returns.

Jennifer Rauch reported staff had a similar concern. She said she is not certain there is a condition to satisfy that.

Ms. Martin said, from a staff perspective, Staff was comfortable with the proposal because the framework is identified and it would be fairly hard to miss the cues in the development text that there should be a rezoning in the future associated with modifications to this campus.

Mr. Close suggested he would propose and accept an additional condition that the signage on the other two sites come back before the Planning and Zoning Commission. Ms. Newell said that would probably be the solution to her concerns and be a benefit to the applicant as well.

A seventh condition was added:

- 7) That signs for other sites within Crown Campus be reviewed by the Planning and Zoning Commission for approval.

Motion and Vote

Mr. Stidhem moved, Ms. De Rosa seconded, to recommend approval to City Council for a Rezoning with a Preliminary Development Plan with no conditions. The vote was as follows: Ms. Newell, yes; Ms. Salay, yes; Ms. De Rosa, yes; and Mr. Stidhem, yes. (Approved 4 – 0)

Motion and Vote

Mr. Stidhem moved, Ms. Salay seconded, to approve the Final Development Plan with seven conditions:

- 1) That a Parking Plan be provided to the City at Building Permitting;
- 2) That vehicle display and parking cease on any pervious area as it impacts stormwater management of the site;
- 3) That six additional evergreen trees be planted along Mercedes Drive to adequately screen the site from the adjacent residents and, the trees be field located with approval of the Zoning Inspector;
- 4) That the landscape plans be updated to clarify that trees will be replaced per Code, and all fees be paid per the City's fee schedule;
- 5) That a landscape plan be provided for the retaining wall and planting bed at the intersection of Perimeter Loop Road and Mercedes Drive to the satisfaction of the Zoning Inspector, prior to issuance of Building Permits;
- 6) That the Final Development Plan zoning information be updated to incorporate all development text requirements; and
- 7) That signs for other sites within Crown Campus be reviewed by the Planning and Zoning Commission for approval.

The vote was as follows: Ms. De Rosa, yes; Ms. Newell, yes; Ms. Salay, yes; and Mr. Stidhem, yes. (Approved 4 – 0)

2. BSD C - TownePlace Suites by Marriott 17-087CU/DP/SPR/PP/FP

5515 Upper Metro Place Conditional Use/Development and Site Plan Reviews/Preliminary and Final Plats

The Chair, Victoria Newell, said the following application is a proposal for a five-story, 64,000-square-foot hotel with 105 guest rooms and associated site improvements on a 4.24-acre site, zoned Bridge Street District Commercial. She said the site is on the south side of Upper Metro Place, approximately 550 feet west of the intersection with Frantz Road. She stated this is a request for a review and approval of a Conditional Use under the provisions of Zoning Code Section 153.236; a review and approval of Development and Site Plans under the provisions of Zoning Code Section 153.066; and a review and recommendation of approval to City Council for Preliminary and Final Plats under the provisions of the Subdivision Regulations. She said the Commission has final authority on the Conditional Use, Development and Site Plan portions of this application and those wishing to address the Commission on this case need to be sworn in. Therefore, she said, there will be three motions requiring votes this evening.

The Chair swore in anyone intending to address the Commission on this case.

Logan Stang presented an aerial view of the site. The site plan that was approved with the Basic Plan Review was also presented, which included the hotel that is located along Upper Metro Place with two access points, a pocket plaza near the northern entrance, and a 112-space parking lot comprising the majority of the site.

Mr. Stang reported that during that review, the Commission expressed concern about the impact the parking lot would have on the existing tree row located along the southern property line as well as the request for exceeding maximum parking spaces as outlined in the Code.

Mr. Stang noted the architecture presented at the Basic Plan Review consisted of a five-story building clad in brick for the first four-stories with fiber cement panels on the fifth story and parapets. The principal entrance, he pointed out, is located on the south façade with the northern entrance designated by a full-length curtain wall in the center of the facade. He said many of the details had not yet been finalized, given the step in the zoning review process.

Mr. Stang said the Commission expressed concern regarding the amount of fiber cement siding and that the architecture did not contain enough visual interest with the materials and color palette that had been selected.

Mr. Stang reported the Basic Plan Review included the approval of five Waivers, mainly to address the unique layout of this site, since all of Upper Metro Place frontage is considered the front yard because the existing utility easement that runs along the frontage prevents the applicant from meeting certain building type requirements, such as the Required Build Zone.

The proposed site plan was presented. Mr. Stang reported the applicant has revised the site plan to address the Commission's concerns as well as staff recommendations. He noted the building and pocket plaza have remained in the same location, while the parking lot has been pulled back from the southern property line and will be constructed of permeable pavers to aid in the preservation of the existing tree row.

Mr. Stang said the updated tree survey that was provided, revealed that a number of those trees in the southern tree row were in poor condition; however, the applicant is able to preserve the three landmark trees in addition to other healthy trees and will supplement the voids with new plantings.

The applicant is proposing a surface parking lot, he said, on the eastern property that is created with the Preliminary and Final Plats as part of this application that will include a shared parking easement that crosses both properties and will eventually be incorporated into the neighboring development. Since the parking lot is located on a different property, he said, a Conditional Use is required to permit this as the primary use until the site develops. A condition has also been added to create a drive aisle connection on the eastern edge to aid in the circulation of that parking lot, he said.

Mr. Stang said there are a few Waivers associated with the site, specifically: the Required Build Zone treatment along Upper Metro Place to allow landscaping in the pocket park where streetscape is required; and a Waiver to allow a run of 19 parking spaces in the southernmost row between landscape islands where 12 spaces is the maximum run permitted.

Mr. Stang presented part of the landscape plan with the proposed pocket plaza design, highlighted. He stated the landscaping provides a mixture of plant materials that accents the site with significant perimeter buffering along the southern property line. Boulder walls are incorporated throughout to define the edges of the property with a landscape treatment applied to the majority of the frontage of Upper Metro Place. He said the design of the pocket plaza is an elevated gathering space containing a checkboard pattern made from turf and pavers with stone seating and a stone wall lining the edge of the space. An at-grade entrance is provided from the west with two additional pedestrian connections in the center and to the east connecting to the sidewalk on Upper Metro Place.

Mr. Stang indicated there are two Waivers associated with the pocket plaza: 1) per the error in the Zoning Code – there is a gap between two open space sizes that a number of open spaces fall into so a Waiver is required to allow this to be larger than what the maximum would be; and 2) to allow stone walls at a height of 48 inches/or four feet where 36 inches/3 feet is the maximum. He said this is primarily due to this gathering space being elevated up from Upper Metro Place and lining that edge and

providing additional amenities to that open space, namely those stone seating walls. He said a condition has been added to rectify any conflicts between the landscaping materials and existing public and private utilities that are located within the utility easement. He said the majority of this pocket plaza is within that 20-foot utility easement on Upper Metro Place.

The proposed architecture was presented. Mr. Stang said the architecture has been revised to include: a wider color palette with additional architectural features that aid in the massing of the structure; and increased percentage of brick cladding to include all five stories with fiber cement only used for the parapets and as the red accent in the center of the northern and southern elevations.

Mr. Stang noted signs are shown on the elevations; however, these are not included for review this evening, as not enough information was provided to ensure compliance with all the requirements. He added the applicant will need to file the appropriate zoning application at a later date for the approvals before any signs can be installed.

The proposed architecture for the western and eastern elevations were presented. Mr. Stang explained the palette includes a total of four brick colors - a light red and gray and a dark red and gray along with four colors of fiber cement panels that complement the brick selections. He pointed out that material samples are available for this evening's review.

Mr. Stang said the revised parapet features along the roofline create dimensionality and include up-lighting to accent the features near the entrances. He noted that a number of architectural Waivers are required for transparency and blank walls, which is primarily due to the interior function of the hotel's spaces for efficient operations.

Mr. Stang indicated the applicant has worked to achieve the intent of the requirements with the limitations imposed by a hotel use; however, additional Waivers are required to cover the number of entrances, parapet height, and façade material transitions.

A night rendering of the northern elevation was presented that faces Upper Metro Place and shows the parapet lighting, material palette, and entrance curtain wall near the open space.

Mr. Stang stated the second part of the application includes a Development Plan for the existing block created between Upper Metro Place and the edge of the Bridge Street District. He explained this is a unique block as it is already defined by the existing Road Network Plan with no new connections proposed. One condition has been added, he said, "Any future access points must be reviewed and approved by the City Engineer with their subsequent reviews." He explained this is due to the existing connections on the northern side and proximity to Frantz Road for the eastern sites.

Mr. Stang said the last portion of this application is a request for a Preliminary and Final Plat for the property, which he presented. He indicated this was initiated due to platted setbacks being present on all the properties on Upper Metro Place; Home2 had to go through the same process to address these issues and remove those setbacks. The Final Plat includes the creation of the shared parking and access easement, he said, as well as the creation of a new lot for surface parking lot and future development.

Mr. Stang concluded there is a total of five motions that require action this evening:

1. Conditional Use

For a surface parking lot, which the ART recommended with no conditions

2. 13 Site Plan Waivers, which the ART recommended for approval:

- 1) Building Types – Parapet Height
- 2) Building Types – Façade Material Transitions
- 3) Building Types – Required Build Zone Treatment
- 4) Building Types – Ground Story Street Facing Transparency
- 5) Building Types – Upper Story Street Facing Transparency
- 6) Building Types – Blank Wall Limitations (Street Facing)
- 7) Building Types – Blank Wall Limitations (Non-Street Facing)
- 8) Building Types – Street Façade: Number of Entrances Required
- 9) Building Types – Vertical Increments
- 10) Open Space – Open Space Size
- 11) Open Space – Fencing and Walls
- 12) Site Development Standards – Landscaping & Tree Preservation – Interior Landscaping
- 13) Site Development Standards – Fencing, Walls, and Screening - Street Wall Design and Location

3. Development Plan, which the ART recommended for approval with one condition:

- 1) That all future access point locations for the remaining developable properties be subject to review with their respective developments and approval by the City Engineer.

4. Site Plan, which the ART recommended for approval with 12 conditions:

- 1) That the applicant provide the operating hardware details for the doors with the building permit submittal;
- 2) That the applicant revise the architecture to provide window trim around all windows proposed within siding clad walls with the building permit submittal;
- 3) That the applicant ensure all roof penetrations are properly concealed and screened, subject to verification with the building permit;
- 4) That the applicant work with staff to find appropriate landscaping material substitutions with the building permit submittal;
- 5) That the applicant update the landscaping plan to include additional shrub plantings along the street facing side of the street wall with the building permit submittal;
- 6) That the applicant meet the screening requirements for the dumpster enclosure, subject to verification with the building permit submittal;
- 7) That the applicant provide an updated photometric plan with the inclusion of the existing street lights with the building permit submittal;
- 8) That the applicant provide additional cut sheets and fixture information with the building permit submittal;
- 9) That all signs receive approval by the required reviewing body through the zoning review process, prior to the installation of any signs;
- 10) That the applicant work with Engineering to demonstrate continued compliance with stormwater requirements as defined in Chapter 53 to the satisfaction of the City Engineer;
- 11) That the applicant rectify any conflicts between the landscaping design elements (stone columns, walls, pavers, etc.) and the existing utilities prior to filing for building permits; and,
- 12) That the applicant revise the standalone surface parking lot to provide an additional north-south drive aisle connection at the eastern edge with the building permit submittal.

5. Preliminary and Final Plats, which staff is recommending for approval to City Council with two conditions:

- 1) That the applicant removes the building and parking setbacks from Lots 4 & 4a from the Final Plat prior to City Council submittal; and
- 2) That the applicant ensures that any minor technical adjustments to the plat are made prior to City Council submittal.

Steve Stidhem inquired about existing stone walls. Mr. Stang said these walls will be removed because of the existing access point where the stone walls are constructed, in order to shift the access point further to the east. Mr. Stidhem asked if there was a historic nature to those walls. Mr. Stang indicated they were not as they were installed when the entry points were added.

Cathy De Rosa commented that there appears to be an awful lot of Waivers and conditions being requested. Mr. Stang said the majority of the conditions with the Site Plan are just clean up items. In terms of Waivers, he said these are items that have come up in the past with other hotel applications due to the operations. Because the site has been vacant, he explained there are site specific limitations to be addressed.

Ms. De Rosa inquired about the illumination at the top of the building as shown in the rendering presented as nighttime. She asked if there have been other buildings that have top-level illumination. Mr. Stang clarified the parapet, tower feature, and side parapets will have LED up-lighting on those features. He added he does not recall another project having similar up-lighting but the ART and staff determined the illumination was a nice design feature to accent the angled portions of the building.

Amy Salay said she did not mind the lighting but she would like to see the fifth story sign removed because this is meant only for frontage on a freeway.

Vicki Newell indicated that having both the sign and the light draws a lot of attention to the sign in that location. She asked that the applicant consider one without the other.

Ms. Salay reiterated that she liked the lighting and this hotel is within an office park. She said she is concerned all the hotels in the area will compete for air signs.

Steven Roberts, 5803 Destiny Court, Cincinnati, Ohio, 45237, said he is encouraged by the feedback. He said since July, they have been positively addressing comments and concerns the Commission had made previously. He indicated they have accomplished that and staff is very supportive in providing solid solutions that were amicable to everybody. He said the moves they have made were to preserve the trees to the south and to shift some of the parking off-site to begin shared usage that they will proceed with in the future. He noted they moved the trash receptacle away from the building down to the south, which also provides better access to the trash receptacle.

Steve Stidhem asked about the four-foot wall requested as opposed to a three-foot wall permitted.

Gayle Frazier, 7377 Bridge Point Pass, Cincinnati, Ohio, said she is the landscape architect. She explained for the wall, four feet is exposed on the street side and only 18 inches of wall are exposed on the plaza side.

Mr. Stidhem asked if the plan is to include stone walls like Dublin already has around the city. Mr. Roberts answered the plan is to replace the walls. He noted this site is on the border of the Bridge Street District and they have proposed a kind of deconstructed wall as one gets further and further away from the

uptown area of the BSD. He said they were hoping to have a terraced approach and the walls would start to form more solidly as one continues down Upper Metro Place.

Mr. Stidhem inquired about the brick proposed. Mr. Roberts answered it will be a utility brick, which is a larger scale brick.

Mr. Stidhem inquired about the parking. Mr. Roberts finds the applicant needs one extra space due to the positioning of the landscape islands to preserve trees. Mr. Stidhem applauded that effort.

Mr. Stidhem asked if there were plans to add electric charging stations to the parking lot. Mr. Roberts answered they did not currently plan on it but it is something they might be able to consider. Mr. Stidhem encouraged the applicant to at least do the plumbing for it because it is something the City will need at some point.

Mr. Stidhem asked if the applicant is considering any renewable energy resources like solar panels. Mr. Roberts answered it was something they could definitely look into. Mr. Stidhem indicated solar panel performance has been improved and also now cost effective. Mr. Roberts agreed and noted there are also tax incentives.

Ms. Newell noted that in the renderings, there are a lot of horizontal detail lines across the building. She asked if those were reveals or beams. Mr. Roberts answered they are projected. Ms. Newell affirmed that was a nice feature that ties the whole elevation together. Mr. Roberts added the intent is to bring shadow lines with the brick projection.

Ms. Newell stated, overall, she liked the architecture of the building.

Ms. De Rosa inquired about the pocket plaza. Mr. Roberts stated the plaza is $\pm 2,700$ square feet with a grove of trees and the checkerboard made of turf and pavers. He said they are trying to establish something that can be continued down Upper Metro Place as they continue developments. He said the playfulness of the checkerboard might prompt a variety of different games - something to draw people in off of the street. Ms. De Rosa asked if tables and benches would be incorporated. Mr. Roberts confirmed there are benches proposed outside and a business center and a breakfast area are located just inside to encourage guests to go out and enjoy their cup of coffee or work on their laptop outside. Ms. De Rosa stated she liked that programming.

Ms. Frazier said the sculpture will be a chess piece. Ms. De Rosa asked if there is a sidewalk all the way down. Mr. Stang answered there is a sidewalk on the south side and a proposed sidewalk connection on the west side of the plaza with additional connections that would also run out to the sidewalk.

Mr. Stidhem noted there is not a lot there to walk to. He added he loves the great pocket plaza. He stated he is obviously not an architect but as a general population, he indicated they are going to get tired of the color block style because it is everywhere now. Mr. Roberts said it provides the illusion of construction over time. He said it also gives a nod to the townhome, which is the underlying theme of TownePlace Suites, a home away from home.

Ms. De Rosa asked for the applicant's thoughts on the lighting and the sign. Mr. Roberts answered the sign conforms to the requirements for a building identification sign. He said the lighting helps identify the primary entrance point, plus the lighting is iconic.

The Chair emphasized the sign package is not part of the application this evening. Mr. Roberts indicated he believes the signage component adds to the aesthetics of the façade.

Ms. Newell requested the applicant remove one more parking space to permit a landscape island. Ideally, Mr. Roberts said he would like to align all the landscape islands but it felt awkward to move the middle one on the middle row, over to align with where they are trying to capture two trees. He offered to add one back, if it is necessary. Ms. Newell confirmed the plan is what it is because the applicant is saving a landmark tree, which she can support.

The Chair invited public comment. [Hearing none.]

Mr. Stidhem reiterated that he really likes this proposal and that it will fit in well to the area. He particularly likes the wings, he said, and the illumination, which might in itself identify the building.

Ms. De Rosa said she likes the proposal as well. She noted she liked the gray brick and dark brick together, she very much likes the plaza, the idea of the decomposed wall to the final stone wall, or whatever that transition is, that could be interesting but hard for her to visualize from the renderings. She stated the applicant has done a good job at creating character and maybe that will differentiate them from some of the other hotels. She said she is unsure about the lighting. She said she is glad trees were preserved and is supportive of the proposal, overall.

Ms. Salay said this proposal is really nice and she likes it a lot better than where they started. She noted the curtain wall, the variety and quantity of bricks, the plaza, the landscaping, and added she really likes the lighting, which appears unique in the night rendering. She thanked the applicant for all the improvements and for saving the trees.

Ms. Newell inquired about a color board. Mr. Roberts presented samples of the brick colors.

Motion and Vote

Mr. Stidhem moved, Ms. De Rosa seconded, to approve the Conditional Use with no conditions. The vote was as follows: Ms. Newell, yes; Ms. Salay, yes; Ms. De Rosa, yes; and Mr. Stidhem, yes. (Approved 4 – 0)

Motion and Vote

Mr. Stidhem moved, Ms. Salay seconded, to approve 13 Site Plan Waivers with no conditions:

1. §153.062 – Building Types (D)(1)(a) – Parapet Height: Required - Parapets shall be high enough to screen the roof and any roof appurtenances provided that the parapet is no less than 2 feet and no more than 6 feet high; Requested - Parapet varies in height from one foot at the lowest to 10 feet at the highest.
2. §153.062 – Building Types (E)(2)(a) – Façade Material Transitions: Required - Vertical material transitions shall occur at inside corners; Requested - Fiber cement panels are proposed on the same plan as brick on the north and south elevations (stories 2 through 5).
3. §153.062 – Building Types (O)(6)(a)(1) – Required Build Zone Treatment: Required - Patio or streetscape permitted treatments; Requested - Landscaping along Upper Metro Place.
4. §153.062 – Building Types (O)(6)(d)(1) – Ground Story Street Facing Transparency: Required - Minimum ground story transparency of 65%; Requested - 26% on the north elevation and 9% on the west elevation.
5. §153.062 – Building Types (O)(6)(d)(1) – Upper Story Street Facing Transparency: Required - Minimum upper story transparency of 30%; Requested - 20% for upper stories of north elevation and 15% for upper stories of west elevation.
6. §153.062 – Building Types (O)(6)(d)(1) – Blank Wall Limitations (Street): Required - No horizontal distance greater than 15 feet per story shall be blank or windowless; Requested - 19 feet of blank

wall on all stories of the north elevation and 18 feet of blank wall on ground story of the west elevation.

7. §153.062 – Building Types (O)(6)(d)(2) – Blank Wall Limitations (Non-Street): Required - No horizontal distance greater than 15 feet per story shall be blank or windowless; Requested - 35 feet of blank walls on ground story of the south elevation.
8. §153.062 – Building Types (O)(6)(d)(3) – Street Façade: Number of Entrances Required: One entrance per 75 feet of façade minimum (3 entrances required); Requested - One entrance provided on the north elevation.
9. §153.062 – Building Types (O)(6)(d)(4) – Vertical Increments: Required - Vertical increments shall be no greater than 45 feet; Requested - 62 feet on the north elevation and 60 feet on the south elevation.
10. §153.064 – Open Space (G)(1)(a) – Open Space Size: Required - Minimum size of 300 square feet and maximum size of 1,200 square feet for a Pocket Plaza; Requested - 2,900 square feet total size.
11. §153.064 – Open Space (G)(4)(h) – Fencing and Walls: Required - Walls shall not exceed 36 inches as measured from the established grade; Requested - 48 inches tall for stone walls.
12. §153.065 - Landscaping & Tree Preservation (D)(5)(c)(2) – Interior Landscaping: Required - Maximum run of 12 parking spaces permitted without a tree island; Requested - Run of 19 spaces for the southernmost parking row.
13. §153.065 - Fences, Walls and Screening (E)(2)(b) – Street Wall Design and Location: Required - Street walls are to be placed within the front and/or corner side RBZ and installed along the same plane as the nearest building; Requested - Street wall is proposed outside of the RBZ on the west side of the site and is offset from the plane of the proposed building.

The vote was as follows: Ms. De Rosa, yes; Ms. Newell, yes; Ms. Salay, yes; and Mr. Stidhem, yes. (Approved 4 – 0)

Motion and Vote

Mr. Stidhem moved, Ms. Salay seconded, to approve the Development Plan with the following condition:

- 1) That all future access point locations for the remaining developable properties be subject to review with their respective developments and approval by the City Engineer.

The vote was as follows: Ms. De Rosa, yes; Ms. Newell, yes; Ms. Salay, yes; and Mr. Stidhem, yes. (Approved 4 – 0)

Motion and Vote

Mr. Stidhem moved, Ms. De Rosa seconded, to approve the Site Plan with 12 conditions:

- 1) That the applicant provide the operating hardware details for the doors with the building permit submittal;
- 2) That the applicant revise the architecture to provide window trim around all windows proposed within siding clad walls with the building permit submittal;
- 3) That the applicant ensure all roof penetrations are properly concealed and screened, subject to verification with the building permit;
- 4) That the applicant work with staff to find appropriate landscaping material substitutions with the building permit submittal;
- 5) That the applicant update the landscaping plan to include additional shrub plantings along the street facing side of the street wall with the building permit submittal;
- 6) That the applicant meet the screening requirements for the dumpster enclosure, subject to verification with the building permit;

- 7) That the applicant provide an updated photometric plan with the inclusion of the existing street lights with the building permit submittal;
- 8) That the applicant provide additional cut sheets and fixture information with the building permit submittal;
- 9) That all signs receive approval by the required reviewing body through the zoning review process, prior to the installation of any signs;
- 10) That the applicant work with Engineering to demonstrate continued compliance with stormwater requirements as defined in Chapter 53 to the satisfaction of the City Engineer;
- 11) That the applicant rectify any conflicts between the landscaping design elements (stone columns, walls, pavers, etc.) and the existing utilities prior to filing for building permits; and,
- 12) That the applicant revise the standalone surface parking lot to provide an additional north-south drive aisle connection at the eastern edge with the building permit submittal.

The vote was as follows: Ms. Salay, yes; Ms. Newell, yes; Ms. De Rosa, yes; and Mr. Stidhem, yes. (Approved 4 – 0)

Motion and Vote

Mr. Stidhem moved, Ms. Salay seconded, to recommend approval to City Council for the Preliminary and Final Plats with two conditions:

- 1) That the applicant removes the building and parking setbacks from Lots 4 & 4a from the Final Plat, prior to City Council submittal; and
- 2) That the applicant ensures that any minor technical adjustments to the plat are made prior to City Council submittal.

The vote was as follows: Ms. De Rosa, yes; Ms. Newell, yes; Ms. Salay, yes; and Mr. Stidhem, yes. (Approved 4 – 0)

3. BSD SRN – Cap City Diner – Outdoor Speakers 17-105CU

6644 Riverside Drive Conditional Use

The Chair, Victoria Newell, said the following application is a proposal for outdoor speakers for a patio and entrance for a 6,000-square-foot restaurant in the Bridge Park Development, zoned Bridge Street District Scioto River Neighborhood. She said the site is east of Riverside Drive, approximately 150 feet northeast of the intersection with Bridge Park Avenue. She said this is a request for a review and approval of a Conditional Use under the provisions of Zoning Code Section 153.236. She said the Commission has final authority on this application and we will have to swear in anyone intending on addressing the Commission regarding this case.

The Chair swore in anyone intending to address the Commission on this case.

Logan Stang presented an aerial view of the site and noted the tenant space is located in the northern portion of Building C2 of the Bridge Park development and it lies between Riverside Drive and Longshore Street. He then presented the proposed speaker locations - five overhead speakers for the patio space along Riverside Drive at a distance of one every 12 feet and two overhead speakers for the entryway on the eastern façade at 12 feet apart.

Mr. Stang stated the current Code requirement only permits outdoor speakers within patio spaces and therefore, the two located in the entryway will be required to be removed with the approval of this application.

Mr. Stang presented a graphic that depicts a 50-foot buffer from the patio space, which is outlined in the City of Dublin's Noise Ordinance as the enforcement range for any emission of sound that is deemed 'plainly audible'. He explained the term 'plainly audible' is defined as any sound that can be detected by a person using his or her unaided hearing facilities and is a legally defensible metric. The adjacent area located within this buffer include public sidewalks, publicly accessible open space, and the developer's leasing office to the south. He clarified the graphic does not represent that the speakers will reach the outer edges of the 50-foot buffer but this is the Code outline as the enforceable range.

Amy Salay asked if the buffer covers the ground level only. Mr. Stang indicated it would be ground level. Thaddeus Boggs clarified the Code states 50 feet as a distance and does not specifically state ground level. Ms. Salay asked if this building had offices above, which Mr. Stang answered affirmatively. Ms. Salay cited an example of an office worker on the second floor being able to hear the music and not wanting to. Per the way the Code is written, she wanted to know if this person could complain about the noise. She added that she is thinking that every restaurant with an outdoor patio will want outdoor speakers. She noted in other parts of the City, speakers are not permitted, which is called out in the Zoning Code. She said she is not against having outdoor speakers but wanted the Commission to be cognizant of what they were approving or there could be issues from office spaces above or residential units above these outdoor eating spaces.

Mr. Stang said any tenant wanting outdoor speakers would need to come before the Commission and request the Conditional Use and would be reviewed on a case-by-case basis.

Mr. Boggs said there is another component of the Noise Ordinance that may help the Commission. It is not that any noise is permitted within 50 feet because it is also a violation of the Noise Ordinance for "noise that disturbs or disrupts peace and quiet with any reasonable person of normal sensitivity and that would be respective of the distance." He said this is an illustration of what would be considered a violation of the Noise Ordinance. He said if the noise within the 50-foot range is disturbing someone of normal sensitivity, then it would be within the prohibition of the noise per the Ordinance.

Cathy De Rosa asked what the remedy would be for that situation. Mr. Boggs explained the Noise Ordinance itself is a variety of disorderly conduct offenses, which appears to be in this instance is a misdemeanor of the fourth degree starting with the second offense. He explained the first offense, which is a minor misdemeanor, carries a maximum fine of \$150, second offenses for violations of the Noise Ordinance are a fourth-degree misdemeanor, which carries a maximum fine of \$250 and the possibility of 30 days in jail.

Mr. Boggs said in the Code Enforcement process, there would be contact with a property owner beforehand, requesting to keep it down or limit the hours. He indicated this sort of situation would be a more collaborative process.

Ms. Salay asked if it would be the duty of the Code Enforcement Officers or would the Police be called not knowing if this is a Code Enforcement issue or a Law Enforcement issue or both. Mr. Boggs answered it could be both because there is a general offense of the Noise Ordinance but then there is also compliance with the Noise Ordinance as an element of the Conditional Use.

Steve Stidhem asked where the 87 decibel level came from. Mr. Stang said that level came from the applicant.

Mr. Stang said the applicant is not requesting the use of live music currently, but should they want to pursue that in the future, they will be required to file a new Conditional Use application. A condition had been added to this approval ensuring that the speakers adhere to the time restrictions of the hours of operation for the patio space and are not to exceed one hour after closing. The patio is operational during the following hours, which he presented:

Patio hours of operation:

- Monday – Thursday, 11:00am – 11:00pm
- Friday & Saturday, 11:00am – 12:00am
- Sunday, 11:00am – 10:00pm

Ms. Newell indicated 87 decibels is very loud, to which Mr. Stidhem also agreed.

Ms. De Rosa suggested there be some guidance because this will not be the only application the City is going to see. She asked if there are specifications about the speakers that can be permitted in a patio area. Mr. Stang said the City does not have requirements to a specific type of speaker that would have to be installed in a patio. He noted this patio has a canopy and is partially enclosed and with the speakers being installed up above, the noise would be directed downward into the patio space.

Mr. Stang reported the ART recommended approval with two conditions; the third condition was removed after discussion with legal counsel that the term 'plainly audible' is a defensible metric and that a specific decibel level is not required for the purposes of enforcement.

The two conditions were presented:

- 1) That the use of outdoor speakers be limited to the tenant's hours of operation, not to exceed one hour past closing; and
- 2) That speakers only be permitted for the patio, and therefore, be removed at the entry on Longshore Drive.

Wayne Schick, 390 W. Nationwide Blvd., Columbus, Ohio, reported there is a quiet enjoyment clause in the lease so as far as the tenants upstairs go, they would complain to the landlord first, who would threaten to take away the tenant's lease if they did not comply. He said he uses 85 decibels in their restaurants. He said between 80 to 85 is when they start to get complaints from the guests. He indicated if they were to limit the noise level to 75 on the patio that would not be a problem. He said he is more than happy to provide the information about the type of speakers they use.

Mr. Schick confirmed they only play ambient music in their restaurant and do not play the sounds from the televisions through the speakers.

Mr. Schick said the same music is played throughout and the speakers are on one zone.

Mr. Stidhem said he is concerned about dueling speakers with multiple tenants close by.

Ms. Newell asked if outdoor speakers have been permitted anywhere else. She said they clearly have them at the Shoppes at River Ridge. Mr. Stang confirmed outdoor speakers were approved in that location. Ms. Newell said when ambient music is played in malls, it is to make people feel safer as opposed to being silent.

Ms. Newell indicated if the Commission allows the speakers at this location, everyone will request the same. She said this is not really something the City has had in the past and it is not completely controllable so she does not know how she feels about it, yet. She said she wants the restaurants to be successful. She said she enjoys music indoors but she also likes having a space like a patio where it is quiet, also.

Ms. De Rosa said it is quite typical, in this urban setting environment that they are building to have this type of request; this comes with the territory. She said she is more concerned about the volume than she is with existence of outdoor speakers. She said she worries about the competing sounds and if she is living or working above where outdoor speakers are permitted, it might be an issue whereas if she is just visiting, she has chosen to be part of that environment.

Ms. Salay said she agreed and part of the appeal or not is it creates a lively streetscape as people are walking along. They can hear music from the patio, the clinking of glasses and silverware, people talking and laughing so it creates life in an area. She said the BSD is the only place in the City she is interested in supporting outdoor speakers.

Motion and Vote

Mr. Stidhem moved, Ms. De Rosa seconded, to approve the Conditional Use with two conditions:

- 1) That the use of the outdoor speakers be limited to the tenant's hours of operation and not to exceed one hour past closing; and
- 2) That speakers be only permitted for the patio; and therefore, be removed at the entry on Longshore Street.

The vote was as follows: Mr. Stidhem, yes; Ms. Newell, yes; Ms. Salay, yes; and Ms. De Rosa, yes. (Approved 4 – 0)

Communications

Jennifer Rauch said there were none.

The Chair asked if there were any additional comments. [Hearing none.] She adjourned the meeting at 8:29 pm.

As approved by the Planning and Zoning Commission on December 7, 2017.