



PLANNING REPORT

Planning and Zoning Commission

Thursday, February 9, 2023

VALENTINA'S OUTDOOR SPEAKERS AND WINDSCREEN 22-168CU / 23-001WR

<https://dublinohiousa.gov/pzc/22-168>

<https://dublinohiousa.gov/pzc/23-001>

Case Summary

Address	4595 Bridge Park Ave, Dublin, OH 43017
Proposal	Installation of outdoor speakers and a windscreen in an approved patio space for a 6,200-square-foot restaurant.
Request	Review and approval for a Conditional Use under the provisions of Zoning Code Section 153.236, and review and approval for a Waiver under the provisions of Zoning Code Section 153.066.
Zoning	BSD-SRN: Bridge Street District – Scioto River Neighborhood
Planning Recommendation	<u>Approval of a Conditional Use.</u> <u>Approval of a Waiver Review.</u>
Next Steps	Upon review and approval of the Conditional Use and Waiver Review by the Planning and Zoning Commission (PZC), the applicant may proceed to Building Standards.
Applicant	Carter Bean, Architect, Bean Architects
Case Manager	Zachary Hounshell, Planner II (614) 410-4652 zhounshell@dublin.oh.us

Site Location Map

22-168 & 23-001
Valentina's Outdoor Speakers
& Valentina's Windscreen



Site Features

- 1 Block B



1. Background

Site Summary

4595 Bridge Park Avenue is an approximately 6,200-square-foot tenant space located within Building B2 of the Bridge Park development. The tenant space is located southeast of the intersection of Riverside Drive and Bridge Park Avenue, adjacent to the Dublin Link pedestrian bridge and Riverside Crossing Park.

Development History

In September of 2022, the Planning and Zoning Commission reviewed and approved a Master Sign Plan for Valentina's for awning and canopy signs.

In October 2021, the Planning and Zoning Commission reviewed and approved a Minor Project for façade and site modifications to accommodate the Valentina's restaurant. The approval included storefront alterations, enclosed and covered patio spaces, and streetscape improvements.

Process

Conditional Uses are provided within the zoning district regulations in recognition that such uses, although often desirable, will more intensely affect the surrounding area in which they are located than the permitted uses of such zoning districts. The Planning and Zoning Commission is the governing body to review and determine Conditional Use applications, based on the criteria provided in the Code.

Waivers are a process to allow deviations from specific code requirements. The Planning and Zoning Commission is the governing body to review and determine Waiver requests, based on the criteria provided in the Code.

2. Project

The applicant is proposing the installation of outdoor speakers and a windscreen for an approved patio space located along Riverside Drive. The patio space will not be modified, other than the addition of the windscreen, to accommodate these improvements.

Outdoor Speakers

A Conditional Use is requested for the use of outdoor speakers for an existing tenant space. The proposed project includes 4 overhead speakers, mounted on the west façade of the tenant space within the covered outdoor patio area.

The restaurant will utilize the speakers during business hours, operating Monday – Thursday 10:00 a.m. – 11:00 p.m.; Friday – Saturday 10:00 a.m. – 12:00 a.m.; and Sunday 10:00 a.m. – 10:00 p.m. The applicant has indicated that the use of the speakers will not exceed one hour past closing, which is consistent with previously-approved speakers in the district. The speakers are only provided to play ambient music, and will not be used for televised programs or sporting events.

The volume of the speakers is required to comply with the City of Dublin Noise Ordinance (Chapter 132: *Offenses Against Public Peace*), which states that the emission of sound that is 'plainly audible' at a distance of 50 feet from the building is an emission of sound that may

disturb the peace, and is therefore not permitted. The applicant states that their tenant lease contains a 'Quiet Clause', which additionally governs noise affecting adjacent tenants and residents.

This request is similar to the approved request of Cap City in 2017. Given the urban nature of the district, and the intent to provide a more vibrant experience for customers, the addition of outdoor speakers contributes to the goals of the district.

Windscreen

The applicant is proposing the windscreen due to the 'wind tunnel' created along the west façade of the entire building, which would impact their patio space and customer experience. The location of the windscreen is proposed where a gate was previously approved at the southern end of the patio along the Riverside Drive elevation. The proposed windscreen is intended to minimize any breeze from passing vehicular traffic along Riverside Drive.

The windscreen is approximately 4 ft. by 10 ft. in size, and is constructed with a black sunbrella material and a clear vinyl window insert. A Waiver is required for the authorization to use clear vinyl for a proposed windscreen. The proposed material is similar to the approved Waiver request for weather screens for the patio at Cap City in 2017. Cap City was approved for this similar material, which was for the entirety of their covered patio space with conditions surrounding when they can be utilized and when they need replaced to maintain a high-quality appeal. The application of this material at Valentina's is minimal, and is not proposed as a solution to shield patrons in inclement weather from the entire patio.

Staff supports the request for the windscreen. However, to preserve the quality and aesthetic of the screen and patio space, Staff recommends the windscreen be removed during non-patio seating season. Additionally, Staff recommends the applicant extend the approved fence material along the southern end of the patio in front of the proposed windscreen to provide a consistent design aesthetic for the patio space.

3. Plan Review

Conditional Use

Criteria	Review
1. The proposed use will be harmonious with and in accordance with the general objectives or purpose of the Code and/or Community Plan.	Criteria Met: The proposed speakers are identified as a conditional use in the BSD-Scioto River Neighborhood District. The speakers add to the intent of the district to create an urban, walkable environment.
2. The proposed use will comply with all applicable development standards, except and specifically altered in the approved conditional use.	Criteria Met: The proposed outdoor speakers comply with the standards outlined in the Bridge Street District Code.

Criteria	Review
3. The proposed use will be harmonious with the existing or intended character of the general vicinity.	Criteria Met: The proposed outdoor speakers are harmonious with the intent of the Scioto River Neighborhood District to create an engaging, walkable neighborhood with activated patio spaces.
4. The use will not be hazardous to or have a negative impact on existing or future surrounding uses.	Criteria Met with Conditions: Taking into account the residential units and other tenants in the vicinity, the use of the outdoor speakers should be limited to the patio's hours of operation, not to exceed one hour past closing.
5. The area and proposed use(s) will be adequately served by essential public facilities and services.	Not Applicable: The proposal will not affect or be affected by public services as the building has already been constructed.
6. The proposed use will not be detrimental to the economic welfare of the community.	Criteria Met: The proposed outdoor speakers will serve as an asset to the economic welfare of existing businesses in the surrounding area by adding to the vitality of walkability of the area.
7. The proposed use will not involve operations that will be detrimental to any person, property, or the general welfare.	Criteria Met: Patio speakers will not adversely impact corporate or residential tenants, as the urban-style, walkable development is consistent with the intent of the district.
8. Vehicular approaches to the property shall be designed to not interfere with traffic on surrounding public streets / private streets.	Not Applicable: Existing vehicular approaches are not being altered as a part of this application, nor are new vehicular approaches being proposed.
9. The proposed use will not be detrimental to property values in the immediate vicinity.	Criteria Met: The proposal will be able to successfully integrate into the vicinity and will provide additional economic value through creating an engaging, walkable area through activating the patio space.
10. The proposed use will not impede the normal and orderly development of the surrounding properties.	Criteria Met: The use of outdoor speakers for the patio will not impede normal or orderly development of surrounding properties.

Criteria	Review
Waiver Review	
1. The need for the Waiver is caused by unique conditions outside the control of the owner/lessee.	Criteria Met: The request is to minimize windy conditions that may affect customers experience on the patio space. The proposal adds to the vitality of the patio space, which contributes to the district.
2. The Waiver will generally meet the spirit and intent of the Community Plan, BSP Plan and Guidelines, and other adopted City plans and policies.	Criteria Met: The proposed transparent material does contribute to the spirit of connecting private and public spaces at a pedestrian scale. The windscreen as designed minimizes natural effects, while still promoting a high-quality patio design.
3. The Waiver is not being requested solely to reduce the cost as a matter of general convenience.	Criteria Met: The request is not to reduce costs of the project, but to enhance the patio experience of customers at the restaurant.
4. The Waiver will ensure that the development is of equal or greater development quality with respect to design, material, and other similar development features than without the Waiver.	Criteria Met with Conditions: To preserve the quality and aesthetic of the screen and patio space, Staff recommends the windscreen be removed during non-patio seating season. Additionally, Staff recommends the applicant extend the approved fence material along the southern end of the patio in front of the proposed windscreen to provide a consistent design aesthetic for the patio space. These recommendations are provided to ensure the patio space is constructed at the highest quality.
5. The requested modification would be better addressed through the Waiver rather than an amendment to the requirements of this Chapter.	Criteria Met: The conditions of the site is the reasoning for the Waiver request. An amendment would not be appropriate in this situation.
6. The Waiver does not have the effect of authorizing any use or open space type that is not otherwise permitted in that BSD zoning district.	Criteria Met: The request does not impact use or open space types.

Recommendations

Planning Recommendation: Approval of the Conditional Use with conditions:

- 1) The use of the outdoor speakers be limited to the tenant's hours of operation, not to exceed one hour past closing.

Planning Recommendation: Approval of Waiver Review with conditions.

- 1) The windscreen be removed during non-patio seating season; and,
- 2) The applicant extend the approved fence material along the southern end of the patio in front of the proposed windscreen.