

# 19-015CU – THE PEARL – OUTDOOR SPEAKERS

**Site Location**

East of North High Street, approximately 400 feet north of the intersection with North Street.

**Zoning**

BSD-HTN, Bridge Street District, Historic Transition Neighborhood District

**Property Owner**

Dublin West D, LLC.

**Applicant/Representative**

Carter Bean, Bean Architects; and Wayne Schick, Cameron Mitchell Restaurants.

**Applicable Land Use Regulations**

Zoning Code Sections 132.03, 153.059, and 153.236

**Request**

Conditional Use (CU) for the use of outdoor speakers for two proposed patio spaces.

**ARB Recommendation**

Recommendation of approval of the Conditional Use with 3 conditions.

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**Summary**

Use of outdoor speakers for two proposed outdoor patios for a 6,000-square-foot restaurant in Historic Dublin. The site is located in Building Z2 of the Bridge Park West development.

**Zoning Map**

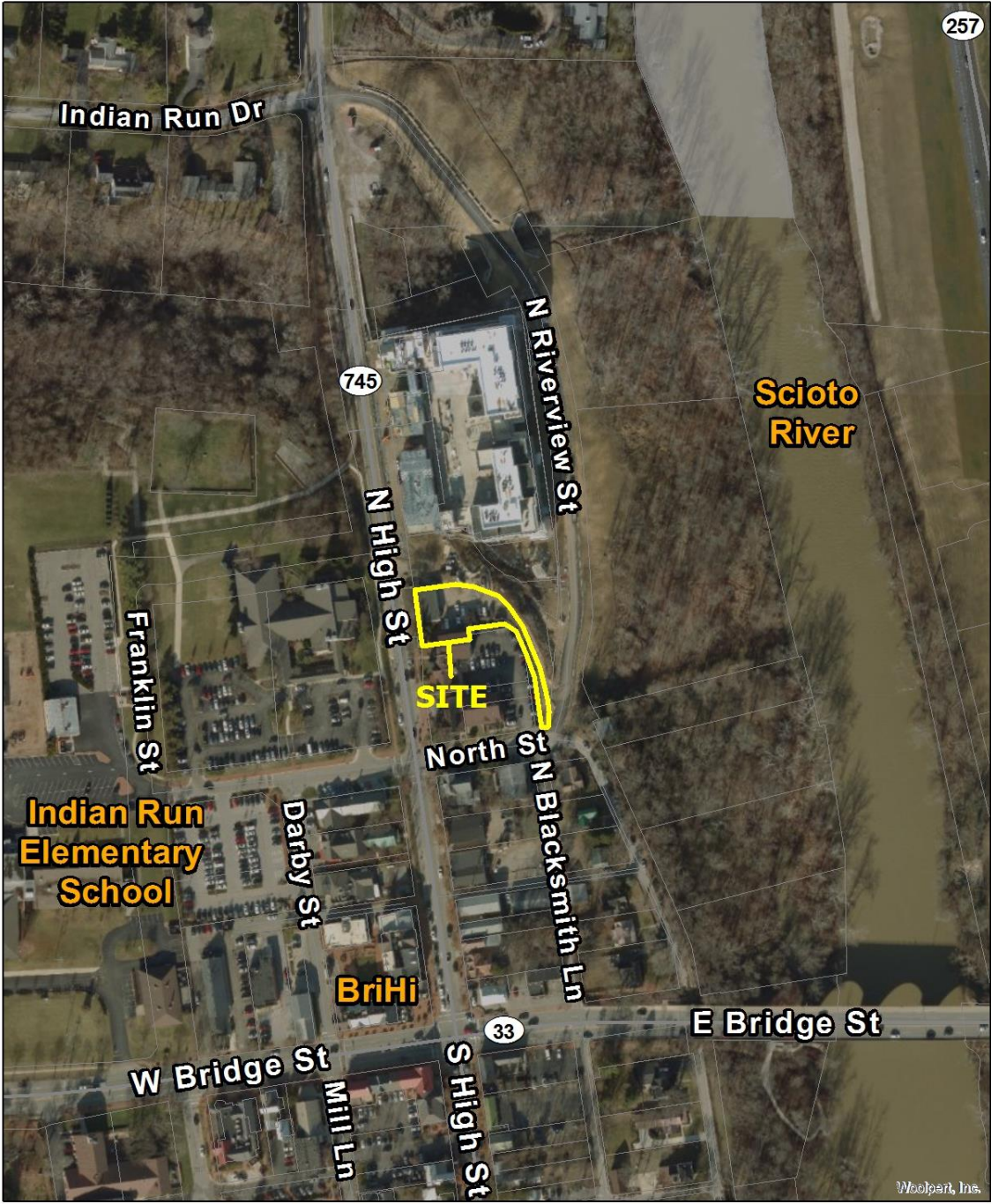




**Next Steps**

Upon approval by the Planning and Zoning Commission, the applicant will be eligible to file for building permits for the speakers. The Architectural Review Board is required to make a recommendation on Conditional Use requests located within Historic Dublin.

### 1. Context Map

The restaurant is located on the east side of North High Street, approximately 400 feet northeast of the intersection with North Street.



 <p>City of Dublin</p>	<p>19-015CU Conditional Use The Pearl 84 N High Street</p>	<p>0 95 190 Feet</p> 
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## 2. Overview

### A. Background

The tenant space is located in Building Z2 within the Bridge Park West development. The proposal for outdoor speakers. The use of outdoor speakers requires Conditional Use approval from the Planning and Zoning Commission with a recommendation of approval from the Architectural Review Board.

The Administrative Review Team is recommending approval of the Minor Project Review application to the Architectural Review Board. The speakers are an amenity that are part of the exterior tenant improvements for the restaurant's outdoor dining and lounge patios.

### B. Update

On February 27, 2019, the Architectural Review Board reviewed and recommended approval of a Conditional Use for speakers associated with two outdoor dining patios for The Pearl restaurant. The ARB had concern with the speakers on the east patio being affixed to the building due to the manner in which sound carries across/down the Scioto River. The Board requested the applicant consider an alternative design to mount the speakers low with sound dissipation toward the building. The applicant indicated they'd be amenable to that solution, but would need to work with their sound engineer. The Board did not add a condition to this effect.

### C. Site Characteristics

#### 1. Natural Features

The site is located on the west side of the Scioto River within the Bridge Park West Development. Specifically, within Building Z2 (a mixed use building), which is adjacent to the future pedestrian bridge landing and associated West Plaza. No natural features are present on the site; however, the site is in close proximity to the Scioto River and (future) Riverside Crossing Park,

#### 2. Surrounding Land Use and Development Character

- North: Bridge Street District - Historic Transition Neighborhood (Riverside Crossing Park – West Plaza/Pedestrian Bridge landing)
- East: Bridge Street District - Public (Riverside Crossing Park (west))
- South: Bridge Street District - Historic Core (Oscar's Restaurant)
- West: Bridge Street District - Historic Transition Neighborhood (CML Dublin Branch)

#### 3. Road, Pedestrian and Bike Network

The tenant space has frontage along N. High Street to the west and Riverside Crossing Park – West Plaza to the north. There is sidewalk that extends along N. High Street, and pedestrian plaza and (future) shared use path connection east-west between Historic Dublin and Bridge Park.

### D. Proposal

#### 1. Summary

A Conditional Use is requested for the use of outdoor speakers for an existing tenant space. In detail, the proposed project includes:

- Six overhead speakers located in the cover patio space within the awning frame along the West Plaza;
- One overhead speakers located above the rear entry way within the awning frame; and,
- Four overhead speakers mounted to the east elevation of the structure (one per structural pillar).

The restaurant is open Monday thru Thursday 10:00am – 10:00pm, Friday and Saturday 10:00am – 11:30pm, and Sunday 10:00am to 9:00pm. The patio generally operates approximately 60 minutes past closing time. The outdoor speakers will be used during operating hours only. The patio hours of operation are as follows:

- Monday thru Thursday, 10:00am – 11:00pm
- Friday and Saturday, 10:00am – 12:30am
- Sunday, 10:00am – 10:00pm

The applicant is not requesting live music with the use of additional outdoor speakers or sound amplification. A Conditional Use is required if this is desired in the future.

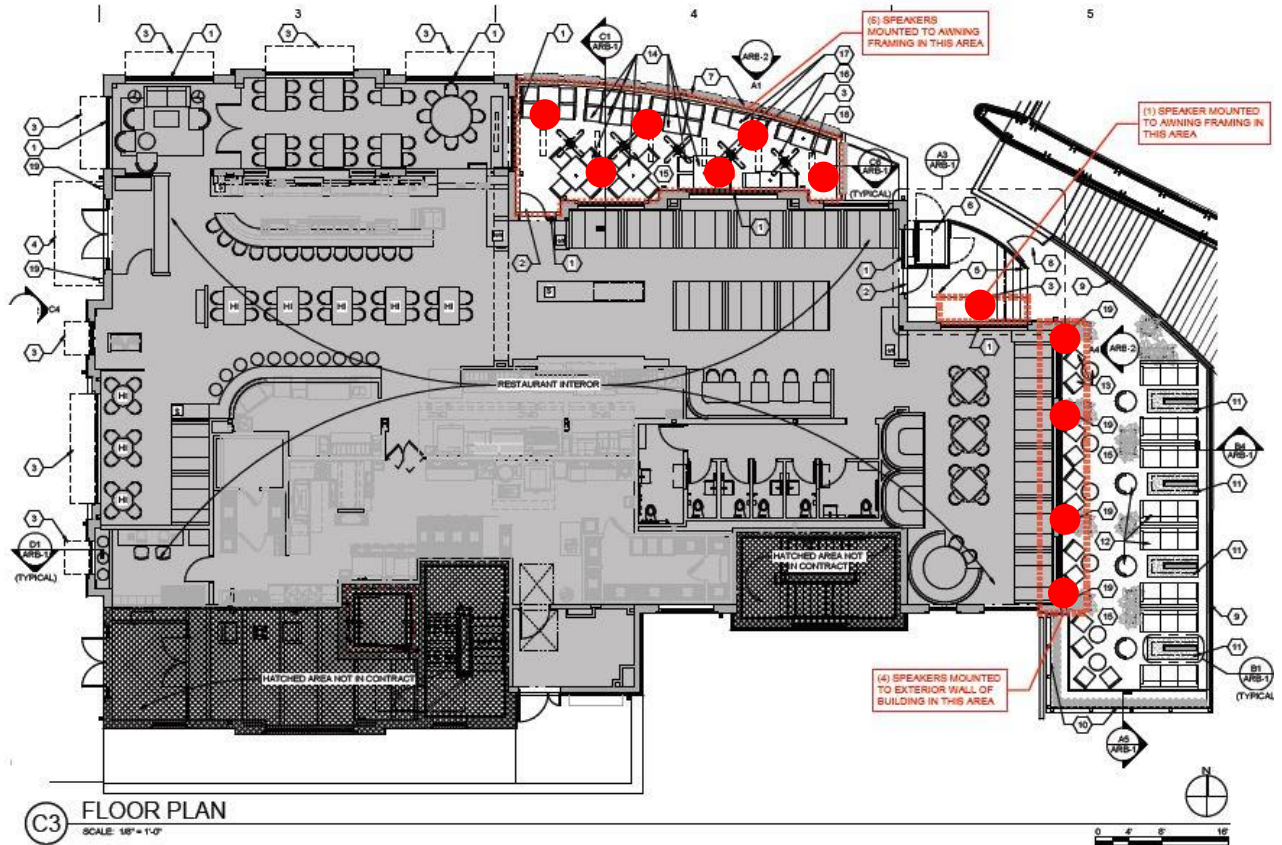
Speakers are only permitted within the BSD Code in conjunction with Outdoor Seating and Dining as a use specific standard. The speakers in the rear entry way will need to be removed in order to meet the Code requirement.

The City of Dublin Code Chapter 132: *Offenses Against Public Peace* 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. Plainly audible is defined as any sound that can be detected by a person using his or her unaided hearing faculties. Public sidewalks and publicly accessible open space are located within 50 feet of the front entry way and patio. A tenant space is located to the north within 50 feet.

In Staff's coordination with the Law Director's Office, it has been determined that the definition of plainly audible is a legally enforceable and defensible metric without the need for additional regulation that further complicates enforcement of the Code.

### 3. Site Plan

The accompanying floor plan details the proposed locations of the speakers in red.



### 4. Criteria Analysis

#### A. Conditional Use Criteria [§153.236(C)]

**1. The proposed use will be harmonious with and in accordance with the general objectives or purpose of the Code and/or Community Plan.**

Criterion met with condition. The proposed speakers are identified as a conditional use in the BSD-Historic Transition Neighborhood District. The use of outdoor speakers must be consistent with all applicable Code requirements including use specific standards and additional standards identified in Code; specifically, Section 132.03. The speakers on at the rear entry/exit should be removed with approval of this application as speakers are only permitted as a conditional use when associated with outdoor dining and seating.

**2. The proposed use will be comply with all applicable development standards, except and specifically altered in the approved conditional use.**

Criterion met. The proposed outdoor speakers comply with the standards outlined in the Bridge Street District Code.

**3. The proposed use will be harmonious with the existing or intended character of the general vicinity.**

Criterion met. The proposed outdoor speakers are harmonious with the intent of the Historic Transition Neighborhood District to create an engaging, walkable neighborhood with activated public patio spaces.

**4. The use will not be hazardous to or have a negative impact on existing or future surrounding uses.**

Criterion met with condition. The proposed outdoor speakers have the capacity to emit a maximum volume of 89 decibels. 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. The sound emitted from the speakers will need to be limited to remain consistent with the legally accepted definition of 'plainly audible' as required by the Code.

**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.**

Criterion 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 walkability of the area.

**7. The proposed use will not involve operations that will be detrimental to any person, property, or the general welfare.**

Criterion met with Condition. Patio speakers will not adversely impact corporate or residential tenants as they are aware of the urban-style, walkable development they are invested in. The use of patio speakers should be prohibited during special events within the Riverside Crossing – West Plaza as to not deter from the greater public enjoyment of the community activity or special event.

**8. Vehicular approaches to the property shall be designed to not interfere with traffic on surrounding public streets/private roads.**

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.**

Criterion met. The proposal will be able to successfully integrate into the vicinity and will provide additional economic value through vitality and by creating an engaging walkable area through activating patio space.

**10. The proposed use will not impede the normal and orderly development of the surrounding properties.**

Criterion met. The use of outdoor speakers for the patio will not impede normal or orderly development of surrounding properties.

## 5. Recommendation

### **ARB Recommendation**

The proposed Conditional Use is consistent with all of the applicable review criteria. A recommendation of **approval** to the Planning and Zoning Commission is recommended with the following three conditions:

- 1) The use of the outdoor speakers be limited to the tenant's hours of operation, not to exceed one hour past closing;
- 2) Speakers only be permitted for the patio, and therefore be removed at the rear entry/exit; and
- 3) The use of outdoor speakers be prohibited during City sanctioned special events or programming in the Riverside Crossing Park – West Plaza.