



PLANNING REPORT

Architectural Review Board

Wednesday, December 14, 2022

35 N. High Street - Tucci's 22-155FDP

www.dublinohiousa.gov/arb/22-155

Case Summary

Address	35 North High Street
Proposal	Construction of three building additions for an existing restaurant on a .23-acre site.
Request	Final Development Plan review and Waivers for building additions at an existing restaurant within the Historic District.
Zoning	HD-HC – Historic District – Historic Core
Planning Recommendation	<u>Approval of Final Development Plan with conditions</u> <u>Disapproval of Waiver for Additional Building Square Footage</u> <u>Approval of Waiver for Roof Pitch, Wine Room Only</u>
Next Steps	Upon review and approval of the Final Development Plan (FDP) by the Architectural Review Board (ARB), the applicant is eligible to apply for building permits.
Applicant	Craig Barnum, CLB Restaurants Michael Lusk, Lusk Architecture
Case Manager	Sarah Tresouthick Holt, AICP, ASLA, Senior Planner (614) 410-4662 sholt@dublin.oh.us

Site Location Map

22-155FDP | Tucci's Addition



- Site Features**
- 1 Patio Addition
 - 2 Wine Room Addition
 - 3 Kitchen Addition
 - 4 Encroachment



1. Background

Site Summary

The site is developed with a single-story building constructed in 1955 which was converted to a restaurant in 1997. The building is located on the western portion of the site with a dining patio in the eastern portion, along N. High Street.

The current restaurant building is 4,271 square feet, according to the Franklin County Auditor's website, plus the outdoor dining patio. When the site was rezoned into the Bridge Street District-Historic Core on April 9, 2012, specific legal exemption was given to existing buildings and businesses not meeting new size criteria, which is 3,500 gross square feet maximum. This exemption continues with the Historic District Code, to protect the rights of previously existing businesses and uses. The legal eating/drinking facility size (building plus patio) was presented as 7,256 gross square feet at PDP and is now represented as 7,861.35 gross square feet. The increase came from the wine room, which was previously approved but not constructed, and inclusion of all existing patio square footage.

As part of the Covid-19 State of Emergency designation on March 17, 2020, the City Manager established a series of Executive Orders to permit temporary patios and structures. The applicant chose to erect a temporary vinyl enclosure for the existing patio (Certificate of Zoning Plan Approval issued on November 3, 2020), to allow for the continued serving of patrons while maintaining appropriate distancing in accordance with these allowances. The expiration date of the temporary patios and structures was twice extended by City Council until June 16, 2022, and the tent was removed prior to that date. This request is to replace the tent with an appropriate, permanent solution, along with additional requests as outlined below.

Development History

2002

Two variances granted by Board of Zoning Appeals (Case 02-036V):

- Permit 91-percent total lot coverage (85-percent is currently allowed per Code) for the existing patio;
- Permit a parking variance allowing only two on-site spaces.

2005

ARB Informal Review for the enclosure of the front porch and fenced-in walkway and a lantern on the roof of the proposed addition; request not pursued.

2020

January 2020, ARB Informal Review for an all-season, enclosed glass patio covering with a retractable roof structure. Concerns included:

- Proposal was not compatible with architectural character/materials of District;
- Height/scale was questioned relative to context;
- Loss of open space along N. High Street.

February 2020, ARB Minor Project (Case 20-189MPR) approved for 215-square-foot wine room addition; expired prior to construction. Reviewed under previous Code and Guidelines.

2021

November 2021, Concept Plan approved to keep the temporary, Emergency Order tent permanently. The structure was determined to be an accessory structure, with size limitations. Board received the proposal favorably, with guidance to meet Code and *Historic Design Guidelines*. The Board approved with conditions.

2022

January 2022, ARB Informal Review of two options for patio enclosure: gabled or flat roofed. The Board favored the flat roof option.

July 2022, Board approved the Preliminary Development Plan (PDP) with conditions, along with a Parking Plan and Waivers for roof pitch and Hardie Plank. A building size Waiver to increase the eating/drinking establishment to 7,841 square feet was disapproved. Conditions attached to the PDP are restated below, along with updates in italics.

1. That the owner/applicant shall work with the City to remedy the existing encroachment along Wing Hill Lane at the Final Development Plan Review. *The applicant is pursuing an Encroachment Permit through Engineering. A recommended condition of approval states that this shall be executed prior to a Certificate of Occupancy or a date certain, whichever is first.*
2. That the depicted property line on the south side to encompass the encroachment shall be removed at the FDP. *This has been addressed.*
3. That the applicant shall demonstrate that the new kitchen/mechanical addition meets the required 5-foot setback at the FDP. This may necessitate the use of a different door system for the dumpster enclosure, which shall not encroach into any right of way. *The applicant has addressed this requirement on Exhibits C-2 and C-3 with the kitchen/mechanical addition.*
4. That the proposal to tie into an existing manhole or grease interceptor shall be further addressed at the FDP. *Engineering confirms that this has been addressed.*
5. That the solution on conveying stormwater appropriately on-site shall be finalized during the FDP, to the satisfaction of the City Engineer. *Engineering confirms this is addressed.*
6. That the restoration of City landscape, paving, and lighting shall be accomplished to the same or better conditions, post-construction on the north property line at the wine room. This shall be depicted on the FDP landscape plan and notes. *A satisfactory note has been added to Sheet L1.2.*
7. That the applicant continue to work with Staff on the pedestrian path and bollards on the Darby Street right of way. *This project will be pursued separately by the City, at the City's expense.*
8. That the proposed shutter details on the blank wall elevations shall be detailed at the FDP. *The shutters were removed in favor of a cable trellis system that will provide both architectural and landscape interest; Staff is satisfied.*
9. That the landscape plan, and all other plans, shall reflect the new architectural layout regarding the hyphen area at the FDP. *This has been addressed.*
10. That the TPO recycled rubber roofing material color shall be shown as gray or tan, to be more in keeping with the character of the district at the FDP. *The roof is now tan.*
11. That all Hardie-Plank siding shall be shown as "smooth" to better match the effect of real wood siding at the FDP. *This has been provided in the material samples; however, is not specifically noted on the elevations. A condition of approval is carried forward.*

12. That the applicant shall coordinate with Staff on the dumpster doors. *Two dumpster door options are presented herein, depending on the particular alternative. Each is discussed herein.*
13. That the plans shall be revised to include a matte finish for the windows and doors at the FDP. *The window and door finish is relatively matte in reflectivity and has been changed to an Onyx color. Staff is satisfied.*
14. That the proposed lighting shall meet all cut-off, lumens, and foot candle requirements. The applicant shall work with Staff to reduce the number of light fixtures. *The applicant has reduced the number of light fixtures on the N. High Street façade and included subtle uplighting at the exterior columns. Staff is satisfied with this design.*
15. That the applicant shall indicate that all patio enclosure tables match, and continue to work with Staff on the colors and materials for the chairs at the FDP. *All new tables and chairs are anticipated but not yet known. The condition of approval is carried forward.*
16. That the applicant shall demonstrate the existing unpainted exterior utility chases/conduit will be painted to match the surrounding wall color/s. Color chips shall be provided at FDP. *The applicant has stated that most of the exterior conduit will be removed with this project, and notes on the plan indicate that any remaining conduit will be painted.*
17. That the eating/drinking facility size Waiver shall be obtained, or the proposal shall be shown equal to the existing gross square footage. *The existing gross square footage is now represented as 7,861.35 gross square feet, as previously explained.*

Process

The FDP is the final step of a three-step process, for large projects, prior to obtaining building permits.

Waiver Review

Waiver Review of items related to the FDP options shall be considered at this time. Approval of a Waiver grants a deviation from Code provided that the criteria listed in 153.176(L) are met.

Site Characteristics

Natural Features

The lot is .23 acres, and contains ornamental trees, landscaping, and a decorative metal fence with brick piers along the northern, eastern, and southern edges of the patio. Smaller-scale landscaping exists throughout the site; however none qualify for a Tree Preservation Plan.

Historic and Cultural Facilities

The existing structure on N. High Street was constructed in 1955 and is recommended contributing to the Historic District. This is based on location, feeling, setting, and association integrity markers from the 2017 Historical and Cultural Assessment.

Road, Pedestrian and Bike Network

The site has frontage on N. High Street, Wing Hill Lane, and Darby Street. A public walkway is located on the north side of the site, providing pedestrian access from Darby Street to the public sidewalk on N. High Street. Wing Hill Lane is closed to through traffic, so pedestrians can access N. High Street at this location as well. No designated pedestrian access is provided on Darby Street.

Encroachment and Easement

The south side of the property has an encroachment into City right-of-way for an existing, bricked-in storage area. Since this has been noted and unaddressed since 2005, a recommended condition of approval states that this should be executed prior to a CO or a date certain, whichever is soonest. The encroachment is intended to accommodate both the structure and the required foundation planting area.

Some of the plan sheets currently show an easement along the south side of the project, greater than that required for the existing encroachment, above. Staff is not supportive of this additional easement, and a recommended condition of approval states that this needs to be removed from all applicable plans prior to building permit application.

2. Zoning Code

Historic District – Historic Core

The intent of the Historic Core District is to “ensure sensitive infill development”. The Code identifies the applicable development standards including setbacks, lot coverage, and building height. All historic structures that are within Historic Dublin require the review and approval of the ARB to make modifications.

The proposed use is allowed within the zoning district and includes use specific standards. The restaurant is approved for its lot coverage, although additional gross square footage needs a Waiver, based on both the 2002 BZA Variance and determinations by the Law Office.

Historic Design Guidelines

The Guidelines provide direction on best practices for rehabilitation and new construction. Specifically for additions, Chapter 4, Section 12 of the Guidelines will apply.

3. Project

Four project options are included for review. The report separates the review by exhibit description for clarity.

Site Layout

All options show access from the public walkway on the north side of the building. No on-site parking is proposed in any of the options, and the Parking Plan was approved in July of 2022.

Exhibit B: Patio Enclosure, Hyphen, and Wine Room

The base proposal (7,779 SF) adds a wine room on the north side of the property; encloses the existing patio seating area on the east side of the property; adds ADA ramps on the north and part of the east side; adds landscaping; and adds bike parking. With this proposal, a dumpster enclosure would be located perpendicular to the building at the southwest corner; this would bring currently-exposed dumpsters into compliance. Bike parking would be along the south property line, adjacent to the Wing Hill Lane right-of-way.

Exhibit C-1: Base plus Exterior Patio

This exhibit (8,145 SF) shows the addition of the outdoor eating area on the southeast corner in addition to the patio enclosure, hyphen, and wine room.

Exhibit C-2: Base plus Kitchen/Mechanical Addition

This exhibit (8,130 SF) depicts the southwest corner of the site filled in to accommodate the new kitchen and mechanical area, in addition to the patio enclosure, hyphen, and wine room but not the exterior dining area. With this option, a dumpster enclosure would be part of the interior space, with access from Darby Street. Bike parking is shown nearby, adjacent to an existing wall on the south side.

Exhibit C-3: Base plus Exterior Patio and Kitchen/Mechanical Addition

This exhibit (8,496 SF) shows both of the exterior patio and kitchen/mechanical room alternates along with the patio enclosure, hyphen, and wine room. Bike parking is on the south property line.

Site Details

Uses and Eating/Drinking Establishment Size

The request is to expand the restaurant as previously described, based on the different alternatives. The Law Office has determined that the base square footage, now 7,861.35 square feet, of the existing eating and drinking establishment is the permitted square footage. The Board has the option to allow up to a 20 percent Waiver on this existing, legal establishment size.

Proposal	Requested GSF	Waiver Required	Amount of Waiver
Exhibit B	7,779	No	-
Exhibit C-1	8,145	Yes	3.6%
Exhibit C-2	8,130	Yes	3.4%
Exhibit C-3	8,496	Yes	8%

Setbacks, Lot Coverage

The HD Code identifies applicable development standards for each zoning district. In the HD-HC District, the setback, lot coverage, and building height limitations are as follows:

Development Standard	Required	Exhibit B	Ex. C-1	Ex. C-2	Ex. C-3
Front Yard Setback	0'	>0'	>0'	>0'	>0'
Side Yard Setback	0'	>0'	>0'	>0'	>0'
Rear Yard Setback	5'	5' for new construction	5' for new construction	5' for new construction	5' for new construction
Lot Coverage	91% per 2002 Variance	89.25%	<90.3%	<90.3%	90.3%
Building Height	30'	17'- patio enclosure 10' - wine room	17'- patio enclosure 10' - wine room	17'- patio enclosure 10' - wine room 11'3" - kitchen/mech. parapet	17'- patio enclosure 10' - wine room 11'3" - kitchen/mech.

Parking and Parking Plan

No on-site parking is provided with this proposal, and a vehicular Parking Plan was approved at PDP. Because there is no on-site parking, on-site ADA parking is not required. Bike parking is discussed below.

Exhibit B: Patio Enclosure, Hyphen, and Wine Room

The Code requires eight bike parking spaces. Ten spaces are shown on the south side, parallel to the Wing Hill right-of-way.

Exhibit C-1: Base plus Exterior Patio

The Code requires eight bike spaces, based on the requested square footage. The proposed is the same, showing ten spaces.

Exhibit C-2: Base plus Kitchen/Mechanical Addition

Eight bike spaces are required with this option; ten are shown at the same location as other options. Because of lot coverage limitations from the 2002 Variance, ProGrass rings (see cut sheets) are proposed to maintain a grassed appearance. Transportation and Mobility have expressed concerns about the maintenance of the bike parking area using this solution.

Exhibit C-3: Base plus Exterior Patio and Kitchen/Mechanical Addition

Nine bike spaces would be required with this option, and ten are shown, on ProGrass rings.

Pedestrian Facilities

Transportation and Mobility had originally requested that the applicant connect the brick sidewalk and bollard treatment along Darby Street at the back of this building. The applicant was not in agreement with this request; after further discussions, this request has been removed, although that future possible further condition is shown on the plans for context.

Scale, Mass, Height

The patio enclosure and hyphen stay consistent throughout all options. The proposal is in conformance with the PDP, as conditioned, regarding scale, mass, and height, although due to internal programming issues, the hyphen is no longer inset on the south side of the building, as contemplated in Guidelines Section 4.12.

Additionally, Building Standards notes that the patio enclosure, with its continuous windows in all options, may be too close to the property lines for fire separation distance requirements (OBC 602.1, Tables 601 and 602, OBC 705.5 and 705.8, and Table 705.8). There are some potential mitigation options; however, in order to ensure that the applicant is aware of the issue and to prevent architectural changes without Board review, a condition of approval is recommended.

The maximum proposed height of the patio addition is 17 feet from grade at N. High Street and has a previously-approved roof pitch of ¼:12 pitch. The height of the hyphen addition is 12 feet - 4 inches but increases to 15 feet 4 inches to hide the HVAC equipment, which is slightly taller than at PDP. The HVAC parapet is 4 feet - 11 inches, slightly higher than at PDP, yet in conformance with Code Section 153.174(B)(3)(a). The parapet is slightly lower than the original roof structure's gable peak.

The proposed flat metal awnings help to visually reduce the height of the building, as all three sides are adjacent to pedestrian ways. This element is in conformance with the approved and conditioned PDP.

Exhibit B: Patio Enclosure, Hyphen, and Wine Room

A new wine room addition is proposed on the north side of the building, where the applicant recently purchased property from the City to accommodate previously-approved Case 20-189. The applicant is proposing a flat-roofed addition, slightly inset from the gabled façade behind it, addressing Guidelines Section 4.12A: additions to be subordinate to the primary structure. Roof pitch is proposed at ¼:12 to match the patio enclosure, and a Waiver is herein. The room extends beyond the footprint of the existing building, but is toward the rear of the original structure and N. High Street, and meets Guideline Section 4.12B. The height of the addition, at approximately 11 feet at the midpoint, is below the original roofline and meets Guideline Sections 4.12G and H.

Included with this exhibit is a proper trash enclosure, to address non-compliant exposed dumpsters along Darby Street. This enclosure sits below the existing gable height of the main building, when viewed from the south.

Exhibit C-1: Base plus Exterior Patio

This request is for seven exterior tables on a bricked patio in the southeast corner of the site. While this addition does not involve building scale, mass, and height *per se*, the use is taken to the property lines with additional pavement. Lot coverage is still under the maximum permitted by the 2002 Variance; however, resulting hardscape would be property line to property line. The Guidelines Section 6.3 state that open green space should be preserved free from patios. A Waiver is required for this request since the total establishment square footage exceeds the existing permitted.

Exhibit C-2: Base plus Kitchen/Mechanical Addition

This request is for the kitchen and mechanical addition, which would replace two on-site parking spaces in the southwest corner of the property. The roof is proposed with a ¼: 12 pitch (Waiver herein) to match the other addition roofs, and the addition height would be approximately 9 feet - 6 inches to the mid-point of the roof, with an approximate 18-inch parapet to contain a roll up door mechanism, approximately the same height as the adjacent gable at that point. An additional Waiver is required for the establishment square footage beyond that already permitted.

Exhibit C-3: Base plus Exterior Patio and Kitchen/Mechanical Addition

This request would combine both the exterior seating and the kitchen/mechanical area; previous comments apply. A Waiver is required.

Materials and Details

The materials for this part of the project have not changed since the PDP. New details include an outdoor POS station with canopy above on the south side of the hyphen, which creates a small break between the existing patio wall/building and the new, reprogrammed hyphen and addition. Another change is the inclusion of four 4-foot by 4-foot skylights at the top of the patio enclosure roof. These are flat, with a curb height of approximately 6 inches, painted Extra Dark Bronze Metallic to recede from view. Guidelines Section 5.7B states that skylights should

be flat and ideally located to the rear of a structure to minimize visibility; the low pitch of the roof and the color of the curbs will minimize visibility, which Staff has found acceptable. The applicant has provided a visibility analysis, which is included in the packet material.

As previously seen, the majority of the patio enclosure is brick and glass. The brick is intended to match the existing brick of the 1955 structure and is manufactured by Glen-Gery, at full depth, in Lasalle and Iberia Black. All windows for the enclosure are proposed to be from Kolbe Windows and Doors, with "Vantage" sashes and sills, now finished in Onyx. Previously, the windows were Khaki; Staff welcomes the change. The "Vantage" material is an aluminum cladding over a wood frame and does not require a Waiver. The windows will be accordion style, able to fold out for open-air dining. Fixed clerestory windows for additional light are provided above and will also be finished in Onyx, rather than the previously-proposed Roycroft Copper Red. Sloping limestone rowlock caps/sills are proposed for the folding windows and will project one inch from the brick. The proposed flat awnings take the place of required lintels/sills between the folding windows and clerestory windows.

The flat metal canopies are shown around the three sides of the patio enclosure between the accordion doors and the clerestory windows. Guideline Section 4.11B states that flat canopies should be avoided unless shown that the building previously had them. In this case, balancing the desire to have a more open-appearing building, along with operable accordion windows, makes sloped awnings not feasible. Staff supports the use of these awnings.

The central hyphen is proposed to be clad in smooth Hardie Plank board and batten siding, painted Hammered Silver, SW 2840. A Waiver for the Hardie Plank was provided at PDP. Board and batten details indicate that the boards will be 7 inches wide, with the battens being 2 inches wide. Use of this material will help separate the hyphen from the existing and new structures, addressing Guidelines Section 4.12A, where additions should be clearly distinguishable from original structures. A recommended condition of approval ensures that the Hardie Plank is the smooth finish.

The entry door systems for both the enclosure and hyphen are from Kolbe in an Onyx finish. The main public entry on the north side of the building is a single door with fixed windows on each side without muntins. Two staff-only doors face west and south on the south elevation and are glass within Onyx frames, similar in design to the main door. A new fixed window faces south on the hyphen, adjacent to the new POS kiosks. Section 4.16 of the Guidelines suggests maintaining consistency with the historic style of the building, although the character of this addition benefits from being simple, without muntins.

Additional proposed materials and colors include:

- The proposed roof material is a tan, 45-mil TPO, as approved at PDP.
- Roycroft Bottle Green, SW 2847, on existing shutter details.
- Hammered Silver for man doors.
- Gutters and downspouts are Perimeter Systems (square) in Extra Dark Bronze.

Exhibit B: Patio Enclosure, Hyphen, and Wine Room

The wine room uses the same board and batten Hardie Plank siding discussed above, also painted Hammered Silver. Since the pedestrian walk is directly adjacent, the applicant has

added a stainless steel plant trellis system from Secosouth to add interest per Guideline Section 4.12D.

The proposed trash enclosure is to be made of CMU, and Staff recommended that this new construction be sheathed in board and batten and painted Hammered Silver to match the body of the building, since CMU is not contemplated in Guidelines Section 5.8A. The applicant now shows this on the plans. Doors shall be made of vertical cedar boards, painted Hammered Silver.

Exhibit C-1: Base plus Exterior Patio

The new patio space would be paved in Glen-Gery Brick pavers in Hometown Covington, which would match the existing patio paving. The surrounding metal fencing would be a custom black wrought iron fence used throughout the project. This fence is neutral in detail with square pickets and unadorned columns, appropriate to the project. All other colors and materials are the same.

Exhibit C-2: Base plus Kitchen/Mechanical Addition

This addition is also Hardie Plank board and batten in Hammered Silver, intended in a "smooth" finish. In lieu of the faux shutter details presented at PDP, the applicant is requesting a stainless steel cable trellis system to match the wine room. Required dumpster doors are a rolling overhead door system, Overhead Door Model #610, with flat slats in brown. The rolling door ensures that doors do not swing into the right-of-way. All other materials and colors are the same.

Exhibit C-3: Base plus Exterior Patio and Kitchen/Mechanical Addition

This request would combine both the exterior seating and the kitchen/mechanical area; previous comments apply.

Landscaping and Tree Preservation

Existing shrubs and one ornamental tree would need to be removed to allow construction of the patio enclosure. Shrubs are not included as part of a Tree Preservation Plan and the 3-inch hornbeam, shown on the Plan, is too small to qualify for replacement criteria.

Generally, the proposed landscaping for each project consists of low-growing hollies, ornamental grasses, upright junipers, and groundcovers along the front and some of the sides of the patio enclosure and at the southwest corner adjacent to the kitchen/mechanical addition. The encroachment area on the south property line shows an appropriate mix of decorative grasses and coniferous shrubs, bringing this area into compliance. At the rear of the building, along Darby Street, the existing foundation area will be brought into compliance with tall, narrow junipers and tall ornamental grasses. Staff is satisfied with the landscaping as proposed.

Exhibit B: Patio Enclosure, Hyphen, and Wine Room

For the wine room, Virginia creeper is proposed to grow on the trellis system, and this will provide year-round color and texture on the wall. West of the encroachment, two small planting beds are provided, one on each side of the bike parking.

Exhibit C-1: Base plus Exterior Patio

Landscaping for the south side of the exterior patio tables is not included, due to a lack of space on this side of the proposed patio. Also due to space constraints, this option would preclude the required foundation plantings along the south side of the patio enclosure; an additional Waiver would be required, should this option be approved. Staff would not support this Waiver; see Waiver analysis.

Exhibit C-2: Base plus Kitchen/Mechanical Addition

This addition shows the required foundation plantings, along with Virginia Creeper on the trellis system west of the bike racks. In order for the lot coverage to remain below the previously-approved 91 percent, bike racks are placed on ProGrass rings, and no foundation plantings are shown behind the racks, adjacent to the building. All other landscaping remains the same.

Exhibit C-3: Base plus Exterior Patio and Kitchen/Mechanical Addition

This request would combine both the exterior seating and the kitchen/mechanical area; previous comments apply.

Lighting, Outdoor Speakers, Signs, Outdoor Furniture

The project is proposing three different types of lighting regardless of option:

- dwelLED sconce on the patio enclosure;
- Hydrel Paradox 4 uplights on the patio enclosure; and
- Wdge from Lithonia lighting to replace out-of-compliance existing lighting.

On the front of the building, the applicant is showing the three sconces plus two uplights. With the confirmed removal of the two existing lit brick columns at the corners of the east property line, a lighting condition from PDP is satisfied. Additionally, Staff has confirmed that the existing tiki torches shall also be removed, reducing visual clutter, improving the overall site design, and allowing the removal of exterior gas lines on the building. Lighting levels are otherwise appropriate, conform to Code requirements, and the fixtures are suitable for the project. No light trespass, beyond what is permitted by Code, occurs.

The photometric plan only reflects the Exhibit C-3 configuration. With the Base exhibit, there is a potentially dark area behind the trash enclosure in the staff entrance alcove. Planning recommends that an additional Wdge light be installed here for safety and that the photometric plan be revised at building permit via a condition of approval.

The applicant is aware that any outdoor speakers have restrictions between 11p.m. and 8a.m. and that sound must be directed away from surrounding properties. The project narrative states that no speakers are planned.

The applicant has shown numerous signs and signature tiles on the project elevations. Approval of any of these features will require a Master Sign Plan, which shall be submitted and approved prior to the installation of any of these features. A recommended condition of approval covers this necessity.

Outdoor furniture is required to be approved, since the window walls can be fully opened to the public viewshed. The applicant is working with an interior designer to provide all new seats and tables; a recommended condition of approval notes that these elements shall be approved prior to any certificates of occupancy.

Utilities and Stormwater

The site is served by public utilities, including sanitary, water, electric, and gas.. Regarding water service, an additional fire suppression service has been shown. A recommended condition of approval ensures that there is adequate backflow prevention on the existing domestic line, along with coordination between the Cities of Dublin and Columbus.

On-site stormwater quantity and quality is not required for this project. Proposed roof drains are to daylight to landscaped areas, and the proposal is in compliance.

4. Plan Review

Waiver Review – Establishment Size for Outdoor Patio, Kitchen/Mechanical, Both

Criteria	Review
<p>1. The need for the Waiver is caused by unique site conditions, the use of or conditions on the property or surrounding properties, or other circumstance outside the control of the owner/lessee, including easements and rights-of-way.</p>	<p>Criteria Not Met: The current eating/drinking facility’s gross square footage is 7,861.35, which is 225% larger than the currently permitted square footage for eating/drinking establishments. This criteria was instituted with the new Code to ensure that restaurants in the Historic District maintain an appropriate scale and character, conducive to the feel and context of the district.</p> <p><u>Exhibit C-1: Base plus Exterior Patio</u> Size would increase by 366 SF, or 3.6% above the existing, to allow additional seating that is truly outdoors. This could easily be achieved by lessening the square footage of the proposed patio enclosure and creating outdoor seating within that same footprint.</p> <p><u>Exhibit C-2: Base plus Kitchen/Mechanical Addition</u> Size would increase by 351 SF. or 3.4% above the existing. to expand the kitchen and mechanical areas to keep pace with the proposed building expansion requested in the Base/Exhibit B proposal. This is a self-imposed circumstance.</p> <p><u>Exhibit C-3: Base plus Exterior Patio/Kitchen/Mechanical</u> Size would increase by 717 SF, or 8% above the existing, to allow both expansions, where neither one is caused by circumstances beyond the control of the applicant.</p>
<p>2. The Waiver, if approved, will not negatively impact the historic context of the immediately surrounding area or the district as a whole.</p>	<p>Criteria Not Met: The additional size of the eating establishment in all three cases is beyond that anticipated by the current Code and beyond that permitted as a legal, existing situation. Because of this, there are resulting impacts to each request, as summarized below.</p> <p><u>Exhibit C-1: Base plus Exterior Patio</u> Inadequate room is provided for required foundation plantings opposite the tables and on the south property line.</p>

Criteria	Review
	<p><u>Exhibit C-2: Base plus Kitchen/Mechanical Addition</u> Inadequate lot coverage is available for the bike racks with this addition, where ProGrass rings are proposed instead of typical pavement for bike parking. While these technically address the requirements of the Code, they do not meet the spirit of the Code which requires adequate open space.</p> <p><u>Exhibit C-3: Base plus Exterior Patio/Kitchen/Mechanical</u> Both above comments apply.</p>
<p>3. The Waiver, if approved, will generally meet the spirit and intent of the Community Plan, <i>Historic Design Guidelines</i>, other adopted City plans and policies, and all applicable requirements in §§153.170 through 153.178.</p>	<p>Criteria Not Met: The Code permits the existing square footage on the property as legal. New construction would not be permitted to have either this square footage or lot coverage as required per Code. The intent of the Historic District Code is to preserve the quaint character of the district, which is partly defined by buildings of restricted size with landscaped space on each lot and between buildings.</p> <p><u>Exhibit C-1: Base plus Exterior Patio</u> This request prohibits the required foundation landscaping and pushes the use to the property line on the south side.</p> <p><u>Exhibit C-2: Base plus Kitchen/Mechanical Addition</u> This request can only be accommodated by having the bike parking on ProGrass rings. Further, the roll-up door on the trash enclosure is required in order to avoid door swing into the Darby Street right-of-way. While the door technically works, it's form and appearance is not typical of District character.</p> <p><u>Exhibit C-3: Base plus Exterior Patio/Kitchen/Mechanical</u> Both above comments would apply.</p>
<p>4. The Waiver is not being requested solely to reduce cost or as a matter of general convenience.</p>	<p>Criteria Met: The request is made to maximize investment at this location.</p> <p><u>Exhibit C-1: Base plus Exterior Patio</u> The applicant wishes to maintain some of the truly outdoor seating that exists. This could be accomplished by working within the existing patio footprint.</p> <p><u>Exhibit C-2: Base plus Kitchen/Mechanical Addition</u> The applicant wishes to upgrade the kitchen and mechanical areas to support the requested patio enclosure.</p> <p><u>Exhibit C-3: Base plus Exterior Patio/Kitchen/Mechanical</u> Both comments above would apply.</p>

Criteria	Review
5. The Waiver, if approved, 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 Not Met: Staff has worked closely with the applicant to ensure that all options are of high quality in design and materials, regardless of Waiver request. Approving these Waiver requests will not improve the design, materials, or development features of the project.
6. The requested Waiver is better addressed through the Waiver rather than an amendment to the requirements of this Chapter.	Criteria Met: The new Code specifically addresses concerns of lot coverage and building size, so changing the Code would not be appropriate. Nevertheless, the existing use has a benefit not granted to other users seeking new construction within the district.
7. The Waiver does not have the effect of authorizing any use that is not otherwise permitted in the applicable zoning district.	Not Applicable: The use will not change, and the existing uses and size are permitted for this property.
8. In the event of Waivers from numeric or dimensional standards, the Waiver does not exceed 20%.	Criteria Met: <u>Exhibit C-1: Base plus Exterior Patio</u> This is a 3.6% request over the existing size. <u>Exhibit C-2: Base plus Kitchen/Mechanical Addition</u> This is a 3.4% request over the existing size. <u>Exhibit C-3: Base plus Exterior Patio/Kitchen/Mechanical</u> This is an 8% request over the existing size.
9. In the event of Waivers from determinations of contributing or noncontributing status, the provisions in Section 153.175(J)(2)(c) shall also apply.	Not Applicable: The request does not affect contributing status of the building.

Waiver Review – Roof Pitches at ¼: 12 for Wine Room and Kitchen/Mechanical Room

Criteria	Review
1. The need for the Waiver is caused by unique site conditions, the use of or conditions on the property or surrounding properties, or other circumstance outside the control of the owner/lessee, including easements and rights-of-way.	Criteria Met: The request is to allow a ¼:12 pitch where a flat roof is not permitted within the Historic Core per Code Section 153.174(B)(2)(a). The applicant previously received a Waiver for this roof pitch on the enclosed patio portion of the project. This roof has lesser massing than a pitched roof, and therefore better contextual appropriateness. Staff supports this roof pitch Waiver for the wine room only, based on the lack of support for the kitchen/mechanical Waiver, above.
2. The Waiver, if approved, will not negatively impact the historic context of the immediately surrounding area or the district as a whole.	Criteria Met: The proposed flat-roofed wine room will not have a negative effect on the district.
3. The Waiver, if approved, will generally meet the spirit and intent of the Community Plan, <i>Historic Design Guidelines</i> , other adopted City plans and policies, and all applicable requirements in §§153.170 through 153.178.	Criteria Met: The proposal successfully balances the need to have historic forms versus the scale and massing on the north public walkway. It has been previously determined that the lesser scale of the flat roof is the greater goal in this case.
4. The Waiver is not being requested solely to reduce cost or as a matter of general convenience.	Criteria Met: This proposal does not solely reduce cost or create convenience.
5. The Waiver, if approved, 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: The proposal, including this roof, can meet the Code's requirements and Guidelines' direction, ensuring quality of materials and design.

Criteria	Review
6. The requested Waiver is better addressed through the Waiver rather than an amendment to the requirements of this Chapter.	Criteria Met: This is a unique situation, where pedestrian scale along the north walkway is most important, thus best-addressed through a Waiver.
7. The Waiver does not have the effect of authorizing any use that is not otherwise permitted in the applicable zoning district.	Not Applicable: The use will not change, and the existing use is permitted within the district.
8. In the event of Waivers from numeric or dimensional standards, the Waiver does not exceed 20%.	Not Applicable: No numeric Waiver is sought.
9. In the event of Waivers from determinations of contributing or noncontributing status, the provisions in Section 153.175(J)(2)(c) shall also apply.	Not Applicable: The request does not affect contributing status of the building.

Final Development Plan

Criteria	Review
1. The FDP shall be substantially similar to the approved PDP, and consistent with the record established by the required reviewing body, the associated Staff Report, and the Director's recommendation;	Criteria Met: With the exception of the skylights in the patio enclosure and the adjustments to the hyphen on the south side, the Base proposal is in conformance with the approved PDP. Minor color changes have been made to windows, which Staff supports. Staff is satisfied that the Base FDP is in substantial conformance with the PDP and the associated records.
2. The proposed development is consistent with the	Criteria Met: The Base proposal is consistent with the Historic Code and intent for the District relative to building

- Community Plan, other adopted City plans, and citywide administrative and financial policies;
3. The proposed development is consistent with the *Historic Design Guidelines*;
4. The proposed FDP is consistent with surrounding historic context, character, and scale of the immediately surrounding area and the district as a whole;
5. The proposed land uses conform to all applicable requirements and use specific standards of 153.172 Uses;
6. The proposed buildings are appropriately sited and conform to the requirements of 153.173 Site Development Standards and the *Historic Design Guidelines*;
7. The proposed street layout and lots conform to the requirements;
8. The proposed design of the internal circulation system, driveways, and any connections to the public realm provide for safe and efficient access for pedestrians, bicyclists, vehicles, and emergency services;
- size, lot coverage, and the need for open, landscaped areas between buildings.
- Criteria Met:** The Base proposal is consistent with the Guidelines, as described herein.
- Criteria Met:** The Base proposal is consistent with the surrounding historic character and context, while allowing reasonable reconfiguration of the use.
- Criteria Met:** The Base proposal conforms to all applicable requirements and use standards, including eating/drinking establishment size and lot coverage.
- Criteria Met:** The additions are sited as possible, given the existing layout of the lot. The existing establishment size and lot coverage have both been met with the Base proposal. The Guidelines (Section 4.12C) regarding hyphen breaks/reveals are not met on the south side; however, the change of material satisfactorily addresses this issue. The north-side hyphen, which is the public entrance, meets Section 4.12C.
- Not Applicable:** No streets or lots are proposed.
- Not Applicable:** The existing circulation patterns will not be changed with this proposal. Required bike parking is being added to bring the property into conformance with Code.

9. The proposed design, architecture, and materials of buildings is consistent with the *Historic Design Guidelines*, while integrating with nearby development, and avoids overshadowing of existing historic structures and landmarks;
- Criteria Met:** With the Base proposal, the proposal does not overshadow other structures in the District or the site itself. Materials are appropriate, using matching full-depth brick, board-and-batten siding, and low roof pitches to reduce the appearance of massing.
10. The proposed site design, landscaping, screening, and buffering is consistent with the 153.173 and 153.174, and the *Historic Design Guidelines*;
- Criteria Met:** The applicant has shown adequate foundation and perimeter landscaping on the Base proposal, allowing the site to come into conformance with the current Code.
11. The proposed open spaces are appropriately sited and designed to conserve or enhance natural features as appropriate, enhance the community, benefit the community both within and outside the proposed development;
- Criteria Met:** The Base proposal allows for adequate landscaping and open space on the lot to match the feeling and context of surrounding properties within the District.
12. The scale and design of the proposed development allows for the adequate provision of services currently furnished by or that may be required by the City or other public agency including, but not limited to, fire and police protection, public water and sanitary sewage services, recreational activities, traffic control, waste management, and administrative services;
- Criteria Met with Condition:** Gas, electric, and sanitary sewer are all adequate. A condition of approval states that the applicant will continue to work with both the Cities of Dublin and Columbus on the water service.

13. The proposed development provides adequate stormwater management systems and facilities that comply with the applicable regulations of this code and any other applicable design criteria or regulations as adopted by the City or required by other government entities;

Criteria Met: The Base proposal meets stormwater requirements, per Chapter 53 of the Dublin City Code.

14. The proposed development can be adequately serviced by existing and/or planned public or private infrastructure consistent with the City's most recently adopted capital improvements program;

Criteria Met: The Base proposal can be adequately served by existing infrastructure; no new infrastructure is required. Engineering is satisfied.

15. If the development is to be implemented in phases, each phase has adequate infrastructure to serve the development independently without the need for further phased improvements;

Not Applicable: The Base proposal would not be implemented in phases.

16. The proposed development demonstrates consistency with the recommendations, principles, and intent of all applicable design standards and guidelines, including but not limited to buildings, open spaces, and streetscapes; and

Criteria Met: The Base proposal is consistent with recommendations, principles, design standards and guidelines with regard to open spaces and buildings, as described herein.

17. The applicant or applicants' representative has demonstrated that it has technical expertise and experience with appropriate construction methods consistent with sound historic preservation practices.
- Criteria Met:** The architect has significant experience with historic preservation and Federal Historic Tax Credit projects throughout Ohio and Indiana. Staff is satisfied that this requirement is met.

Recommendations

Planning Recommendation Establishment Size Waiver: Disapproval with the following findings:

- 1) The existing eating/drinking establishment size is over twice what current Code would permit for a new eating/drinking establishment. The eating/drinking establishment also, due to a previously granted variance, has lot coverage that is 6 percent beyond what is currently permitted by Code. The requested Waiver does not generally meet the spirit and intent of the Community Plan, Historic District Code, *Historic Design Guidelines*, and other adopted City plans and policies, as it would increase intensity of development on a site that already exceeds current Code and that is already the subject of a variance.
- 2) Expansion beyond what is currently legal and permitted would negatively affect the District character and context. Due to the size of the requested elements and buildings and subsequent lot coverage, Code-required landscaping cannot be provided, specifically at the outdoor dining area in two locations, and the bike racks must sit on ProGrass rings in order to meet the numeric lot coverage requirements. Further, the kitchen/mechanical addition must have a roll-up door in order to not impact the Darby Street right-of-way; while the solution works technically, it is not an element that would meet the character of the District.
- 3) Expansion beyond the existing size would confer additional benefits to one particular owner, where other District owners do not have that benefit.
- 4) The applicant could rearrange the proposed spaces to accommodate all the desired uses with smaller footprints; the submitted proposals have shown each individual use maximized on the property. Therefore, the proposals are not due to circumstances beyond the applicant's control.

Planning Recommendation Roof Pitch Waiver of Wine Room: Approval.

Planning Recommendation Roof Pitch Waiver of Kitchen/Mech. Room: Disapproval with the following finding:

- 1) The kitchen/mechanical room addition does not meet the approval criteria for the Building Size Waiver; therefore, Staff cannot support the roof pitch Waiver for that part of the project.

Planning Recommendation: Approval of Exhibit B Final Development Plan with conditions:

- 1) The applicant shall execute a right-of-way encroachment agreement with the City of Dublin for the existing encroachment and required foundation plantings into the Wing

Hill Lane right-of-way prior to a certificate of occupancy, or by June 1, 2023, whichever is earlier, to the satisfaction of the City Engineer.

- 2) The applicant shall remove all easement references, adjacent to the encroachment on the south property line, on all applicable plan sheets, prior to building permit application.
- 3) The applicant shall work with Building Standards to ensure that the fire separation distances are appropriately maintained with consideration of fire-resistance ratings and opening limitations for the exterior walls as applicable, particularly on the north and south elevations, prior to building permit issuance. Any significant change of architectural design shall be required to return to Architectural Review Board for approval.
- 4) The applicant shall continue to work with City of Dublin and City of Columbus regarding city water service work, to the satisfaction of the Dublin City Engineer and City of Columbus designee.
- 5) The applicant shall update the elevations to show all Hardie Plank siding in a smooth finish at building permit application.
- 6) The lighting plan shall show a Wdge fixture at the staff entrance behind the trash enclosure to enhance safety, and the photometric plan shall be updated to reflect the Base exhibit and new fixture at building permit application.
- 7) The applicant obtain approval for all enclosed patio furnishings prior to any Certificate of Occupancy.
- 8) The applicant shall obtain approval for a Master Sign Plan prior to installation of any signs or signature features.