



## PLANNING REPORT

### PLANNING AND ZONING COMMISSION

MAY 17, 2007

CITY OF DUBLIN..

Land Use and  
Long Range Planning  
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#### SECTION I - CASE INFORMATION:

#### 3. Digger and Finch

#### 6720 and 6800 Riverside Drive Corridor Development District Review Conditional Use

Case Number: 07-013CDD/CU  
Request: To consider an outdoor dining patio area for property located on the east side of Riverside Drive, north of Dale Drive at the Golf Center of Dublin, located within the Corridor Development Overlay District.  
Procedure: Review and approval of modifications under the CDD provisions of Code Section 153.115 and a Conditional Use under the provisions of Code Section 153.236  
Applicant: Invictus Land Holding, LLC represented by Jeffrey A. Rich and Jim Gorry, Rich, Crites, & Dittmer, LLC  
Planning Contact: Tammy Noble, Senior Planner.

#### UPDATE:

The applicant tabled this case prior to the April 12, 2007 Planning and Zoning Commission meeting. A lot combination has since been filed with the Franklin County Auditors Department and a copy provided to Planning which will allow for adequate parking for this request.

#### Case Summary:

This is a request for review and approval of a Conditional Use and a Corridor Development District application for a 2,322-square-foot outdoor dining patio for an existing restaurant located at The Golf Centre of Dublin. In the opinion of Planning, the proposal complies with the applicable review criteria and approval with three conditions is recommended.

#### Site History:

The site was developed prior to its annexation to the Village of Dublin in May 1964 (Ordinance 08-64). The Planning and Zoning Commission reviewed a 1,007-square-foot building addition and exterior modifications on March 15, 2001 (01-014CDD). The application was resubmitted

to the Planning and Zoning Commission on December 6, 2001 (01-014CDD) for a smaller addition proposing 921 square feet and modified architectural elevations. In conjunction with the approvals received by the Planning and Zoning Commission, the proposal received approval for a reduction in the number of required parking space and location of the sign setback by the Board of Zoning Appeals on September 25, 2003 (03-113V).

**Site Description:**

The site is located on the east side of Riverside Drive approximately 350 north of the intersection with Dale Drive. The current uses include a driving range, putting green, a golf supply store and restaurant facility within a 5,295-square-foot building. The two parcels have approximately 1,500 feet of frontage along Riverside Drive and four curb cuts along this roadway. The site contains two parking areas, a parking lot for 111 spaces is located to the south of the building, adjacent to the putting greens, 88 additional parking spaces are located approximately 550 feet north of the building. The driving range is located directly to the east of the restaurant building, adjacent to the Sycamore Ridge apartments.

**Outdoor Dining Patio:**

The applicant is requesting approval of the use of a 2,322-square-foot outdoor patio located to the east of the existing building. The patio includes an outdoor seating area with black metal furniture and a wrought iron fence surrounding the patio. A patio bar with matching furniture is located on the southern portion of the seating area. Live entertainment is proposed May through September and a stage area is located to the east of the patio. The stage area is constructed of wood and has a green canvas awning. Hours of operation have not been specified for either the patio or the stage.

**SECTION II - REVIEW STANDARDS:**

**Corridor Development District Review:**

The Planning and Zoning Commission is responsible for reviewing all site plans, exterior construction, building additions and modifications within the Corridor Development District overlay under the provisions of Code Section 153.115. The Commission is to make a recommendation within 30 days. If the application is disapproved, the Commission should state its reasons for doing so. A disapproval or approval with modifications may be appealed to the Board of Zoning Appeals in accordance with the provisions of Section 153.235.

**Planning Opinion and Recommendation:**

Section 153.115(D)(2) of the Code identifies criteria for the review and approval of modifications within the Corridor Development District.

*Code Section 153.115(D)(2)(g). Design. The design of new structures and of new additions to existing structures, including new site improvements and all new and revised signage, shall take into account architectural style, general design, arrangement, texture, material and color so that the image of Dublin is maintained as a quality community. Evaluation of the appearance of a project shall be based on the quality of its design and its relationship to its surroundings.*

Criterion may be met with condition: The proposed location of the outdoor dining area is located in the rear of the existing building and provides an alternative seating area. The patio is enclosed with a wrought iron fence and incorporates furniture that complements

the existing facility. The patio furniture includes tables with umbrellas, which contain logos. To remain consistent with other outdoor dining facilities throughout the area, Planning recommends that no streamers, flags, or other decorations be allowed on the patio and that the umbrellas exhibit no logos, signs, names or other such advertising (Condition #1).

**Conditional Use:**

The proposed outdoor dining patio use is classified as a Conditional Use per the Zoning Code. Conditional uses, while often desirable, differ from permitted uses in that they may have greater impact on the surrounding area. The intent of the Conditional Use process is to set forth development standards and criteria for locating and developing a Conditional Use in accordance with the nature of the surrounding area, conditions of development, and with regard to appropriate plans.

**Planning Opinion and Recommendation:**

Section 153.236(C) of the Code identifies criteria for the review and approval for a Conditional Use. The criteria are arranged in the following categories and may be in a different order than listed in the Code:

*Policies of the Community (Criteria 1 & 2). The proposed use will be harmonious with and in accordance with the specific objectives of the Zoning Code and/or Community Plan and comply with all applicable development standards.*

Criteria may be met with condition. The general land use of the site will remain as a retail/service oriented use that remains consistent with the commercial nature of the Community Commercial District, as well as the future land use recommendations of the Community Plan.

The Community Plan encourages the development of gathering places in order to provide for areas where the community can interact. The proposed outdoor patio will create a place for patrons of the Golf Centre of Dublin to gather and interact.

Code requires that all expansions or additions that exceed 25 percent of the square footage of the original building, must meet current landscaping requirements of the City of Dublin. The plans submitted indicate that the site does not meet the minimum landscaping requirements, and Planning recommends that the site be brought into compliance with all applicable requirements of Code (Condition #2).

*Impact to the Surrounding Community (Criteria 3, 4, 6, 9, & 10). The proposed use will be harmonious with the existing or intended character of the general vicinity, will not be hazardous to or have a negative impact on surrounding uses, will not be a detriment to the economic welfare of the community or property values in the immediate vicinity, and will not impede the orderly development of the surrounding properties.*

Criteria may be met with condition. The intended use of an outdoor dining facility will provide an amenity to the existing restaurant use. However, conditional uses may have greater impact on the surrounding area and a resident in the Sycamore Ridge apartments has indicated concerns regarding noise from the patio.

The proposal includes an area for live entertainment which will be provided on the weekends, throughout the months of May to September. The applicants have stated that the entertainment will be a solo guitarist on Sundays but have not provided detailed information regarding the use on Fridays and Saturdays or time limitations of performances. Any performances should be limited to normal noise levels no greater than the typical traffic noise levels, subject to the requirements of the Noise Ordinance (Condition #3).

*Necessary Infrastructure (Criteria 5, 7 & 8). The area and proposed use(s) will be adequately served by essential public facilities and services and will have vehicular approaches that are appropriately designed to not create interference with traffic on surrounding public or private road systems.*

Criteria are met. The proposed patio will be adequately served by essential public facilities and services. The City of Dublin Zoning Code requires that all parking be located on the same lot as the use to be served unless otherwise exempted, and that the number of parking space be calculated in a manner that is outlined in Section 153.212.

Prior to the patio modification, the site was required 104 parking spaces based on a variance that was approved in September 2003 (03-113V) to reduce the number of parking spaces required by Code, from 124 spaces to 104. This variance stipulated that if the use was changed in area or size, the parking relief granted by the Board of Zoning Appeals was void. Under these conditions, the proposed modifications will require 124 parking spaces for the existing use and 46 parking spaces for the outdoor dining area, totaling 170 parking spaces.

The applicant combined the parcels in order to accommodate the required parking on-site as required by Code. An additional 88 parking spaces are available which will make the existing use as well as the patio comply with Code. Based on the lot combination, the total parking provided on-site includes 199 parking spaces.

### **SECTION III - RECOMMENDATION: Approval with three conditions**

The proposed outdoor dining patio use is consistent with Community Plan goal of creating gathering places throughout the community. In Planning's opinion, this proposal complies with the Conditional Use and Corridor Development District criteria set forth in the Dublin Zoning Code and the existing development standards within the area.

Approval of the request is recommended with the following three conditions.

- 1) That no streamers, flags, or other decorations be allowed on the patio and that the umbrellas exhibit no logos, signs, names, or other such advertising;
- 2) That the site be brought into compliance with all applicable requirements of Code; and
- 3) That any performances be limited to normal noise levels no greater than the typical traffic noise levels, subject to the requirements of the Noise Ordinance and hours of operation for outdoor entertainment be limited to no later than 10:00 P.M.





