

Application Review

During the final occupancy inspection for the Montgomery Inn patio, Zoning Compliance informed the applicant that the fence installed around the patio structure did not match what was approved by the Planning and Zoning Commission in October, 2008. The applicant explained that the modification was made during construction due to concerns over the strength and stability of the originally approved fence. Planning has reviewed this application to determine its consistency with the design of the restaurant and patio building and to assess the applicant's assertions about the stability of the railing.

Site Description

Site Location

The 14.73-acre Shoppes at River Ridge is located at the southeast corner of West Dublin-Granville Road and Riverside Drive. The Montgomery Inn restaurant is located in the southwestern-most portion of the development, overlooking Riverside Drive. The requested modification is related to the outdoor patio structure located north of the main restaurant.

Site Character and Layout

The Shoppes at River Ridge include a variety of retail and restaurant uses. The restaurant is located at the southwest corner of the development, including a large parking area with ponds and landscaping between the building and Riverside Drive.

Surrounding Zoning and Uses

The site and adjacent parcels are zoned CC, Community Commercial District, and are in the CDD, Corridor Development District. A parcel zoned R-12, Urban Residential District, is located to the east.

Plan Description

Overview

The applicant is proposing to utilize a metal railing to enclose the approved patio structure as an alternative to a fence-like structure that was originally approved. No other modifications are proposed.

Patio Fencing

The main restaurant was approved with a white, fiberglass balustrade fence with decorative pickets enclosing portions of the building, mainly along the front (east) side of the building, oriented toward the parking lot. The patio structure was approved with the same fence design and materials as the rest of the exterior of the restaurant, as an architectural feature lending consistency between the main restaurant building and the patio structure.

In the original design of the patio, fiberglass fencing was proposed between the structural posts that would have supported the roof of structure when the design was initially open. When the applicant decided to enclose the patio space using glass panels, the fiberglass fencing had to be located around the perimeter of the patio with the fiberglass structural posts set within sub-grade concrete piers.

During construction, the applicant became concerned that the fiberglass fencing would not be adequately supported if anchored only at the base of the railing. The applicant has submitted manufacturer data (included in the packet attachments) that indicates that the fiberglass fencing are designed to satisfy guardrail load requirements and are therefore sufficient for use in the originally approved location.

The proposed fencing is white metal railing with plain ½-inch by ½-inch posts, and because it can be embedded into the concrete patio slab, the applicant contends that the proposed railing is more suitable for the proposed location around the perimeter of the patio.

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.

Evaluation and Recommendation Based on the CDD Review Criteria

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.

Criteria not met: The fencing for the restaurant serves two purposes; first, it separates the building and restaurant patrons from the edge of the overlook, and it functions as a prominent design feature that gives the restaurant and patio structure the character of a large single-family residence as originally stated as part of the restaurant approval.

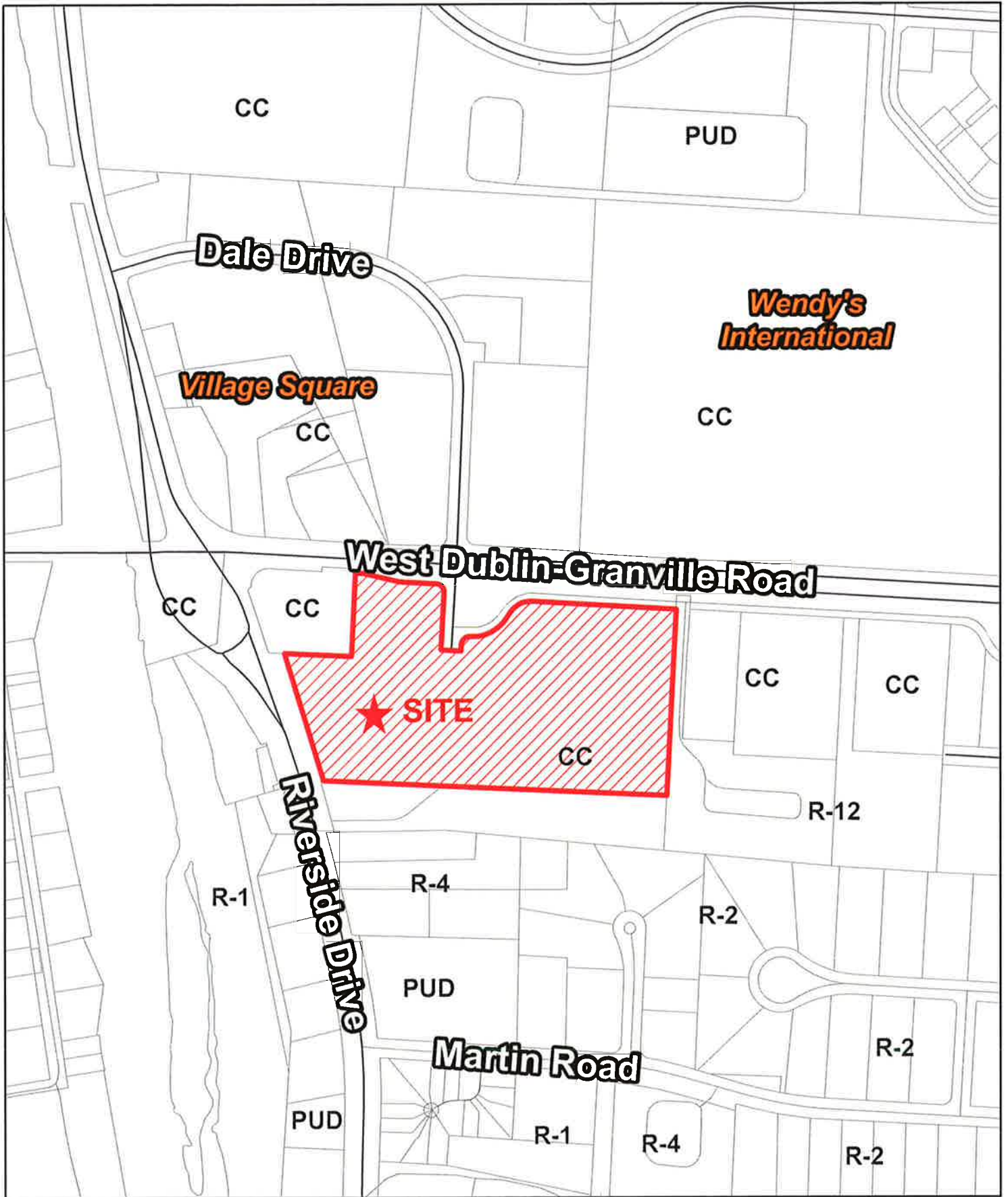
The Zoning Code requires that designs of new structures and additions to existing structures in the Corridor Development District coordinate with the general design, material, and architectural style of their surroundings. The Code also specifies that evaluation of the appearance of a project be based on design quality and its relationship to its surroundings. The proposed fence, a plain white metal railing, is markedly different in design and look than the more detailed design of the fencing installed around the main restaurant, and is inconsistent with the originally approved fence for the patio structure. There are other metal railing systems currently installed within the Shoppes at River Ridge shopping center; however, they are primarily used as handrails, not as design elements.

Further, the applicant has suggested that the proposed railing is structurally *more* secure than the originally approved fencing. Dublin's Building Standards has indicated that the originally approved fencing is sufficiently safe. However, if the applicant was still concerned with its structural integrity, the fence could be reinforced by strengthening its foundations. Alternatively, the applicant could have consulted with Planning to identify another stronger fencing material that was consistent with the intended design of the restaurant.

It is Planning's opinion that because the proposed fencing is inconsistent with existing fencing on the site and because it does not achieve the aesthetic purposes of the originally approved fencing, the review criteria for this proposal has not been met.

SECTION III – PLANNING ANALYSIS AND RECOMMENDATION: Disapproval

In Planning's opinion, the proposed fence modification does not comply with either the Corridor Development District criteria or the existing architectural design of the restaurant, and disapproval of this request is recommended.



City of Dublin
Land Use and
Long Range Planning

09-034 CDD
Corridor Development District
Shoppes at River Ridge - Montgomery Inn
4565 West Dublin-Granville Road





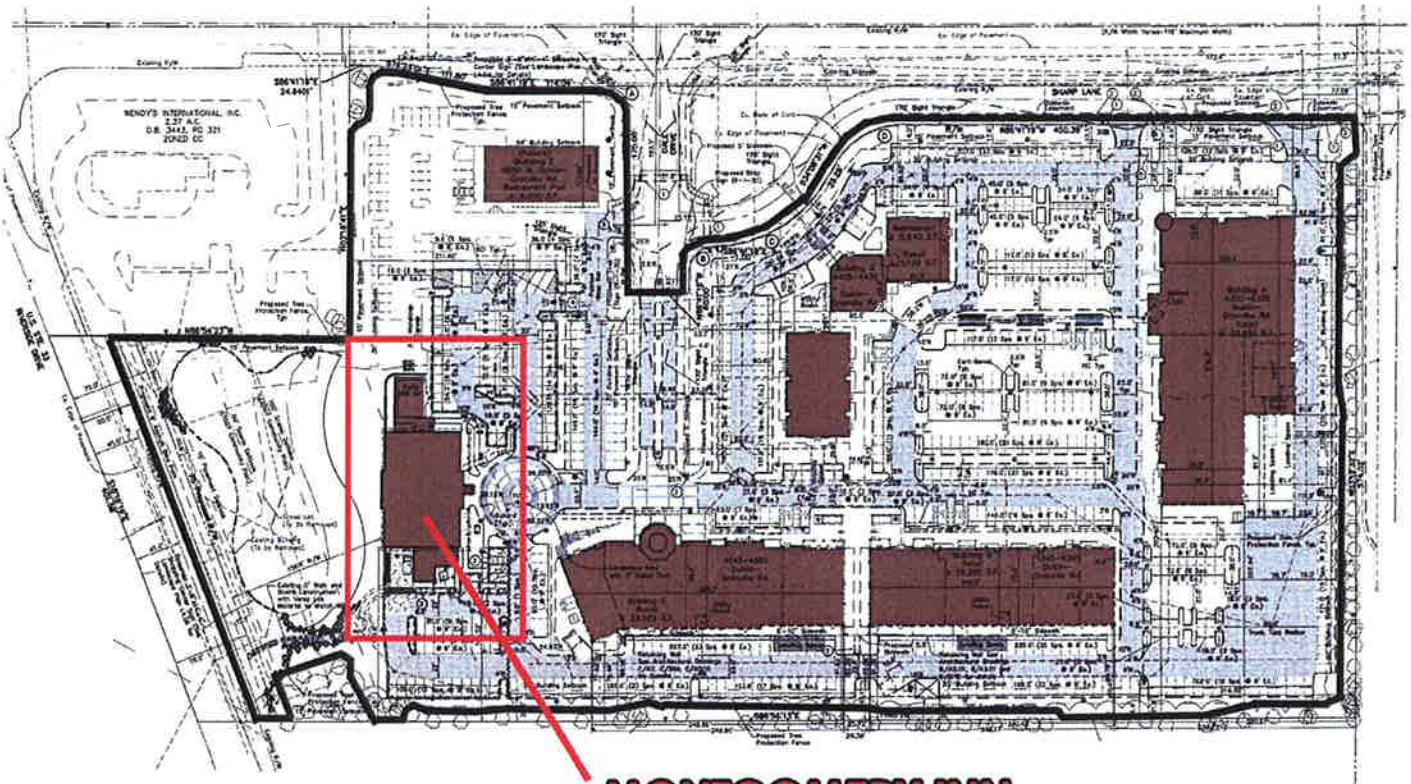
City of Dublin
Land Use and
Long Range Planning

DEVELOPMENT CONTEXT



0 350 700
Feet

APPROVED SHOPPING CENTER SITE PLAN

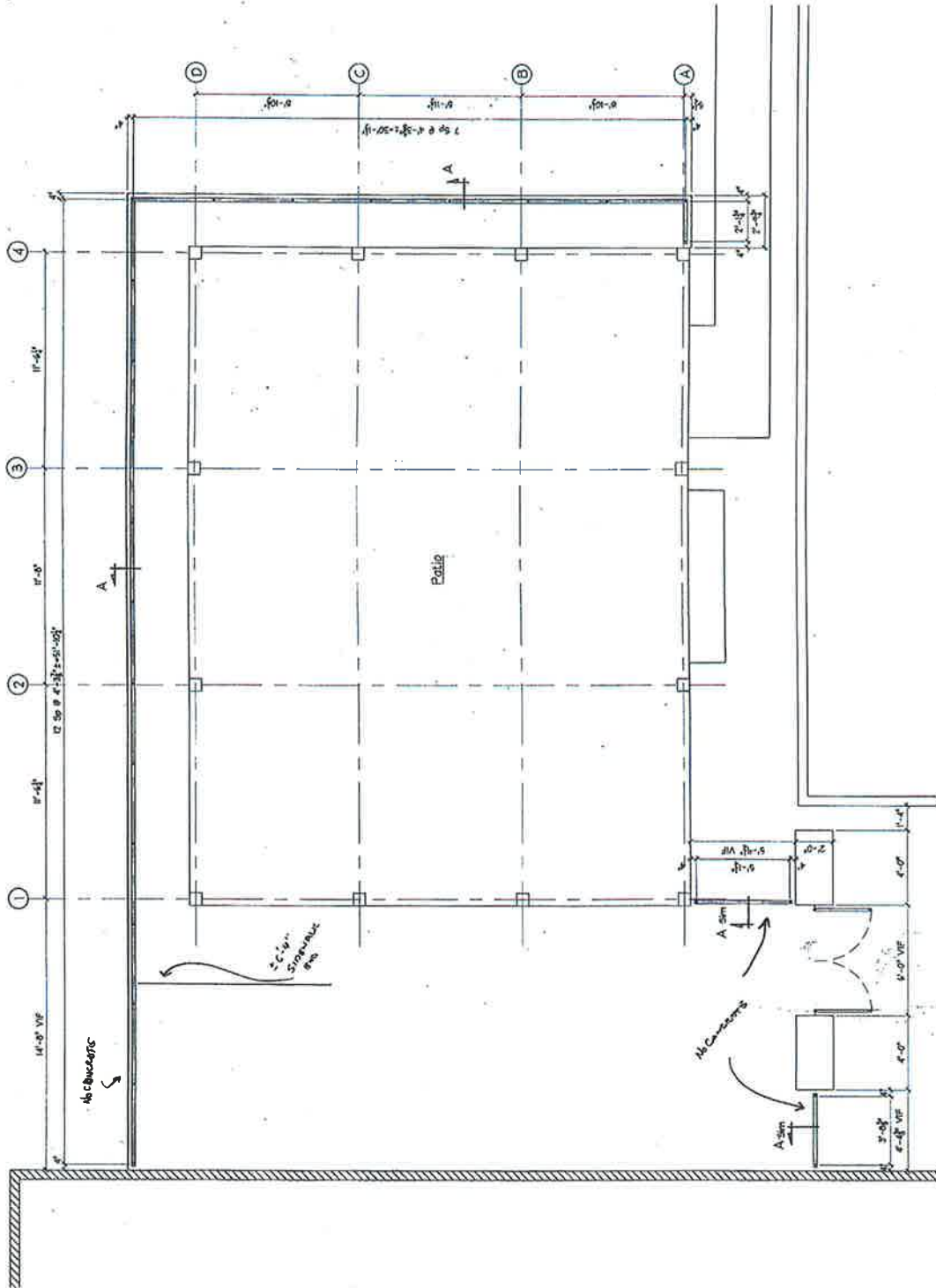


**MONTGOMERY INN
RESTAURANT**

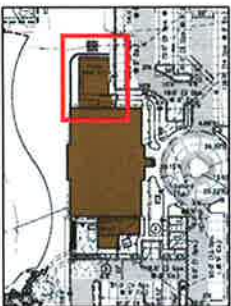


09-034CDD
Corridor Development District
Shoppes at River Ridge - Montgomery Inn
4565 W. Dublin-Granville Road

PROPOSED SITE PLAN

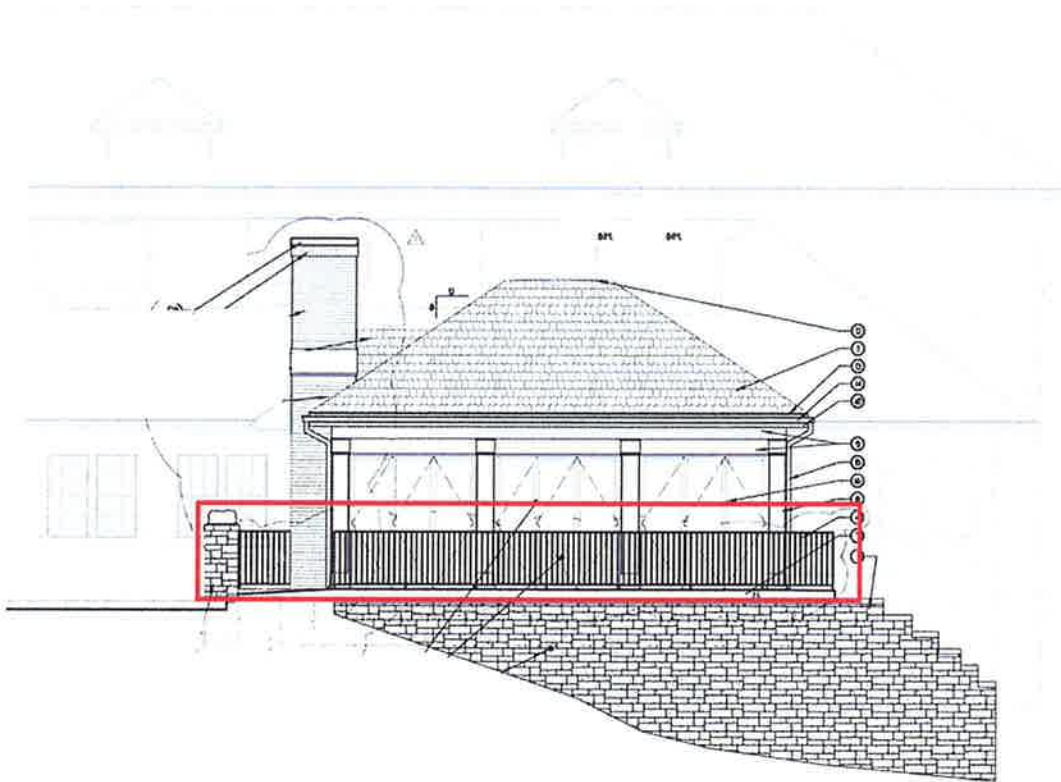


LOCATION MAP

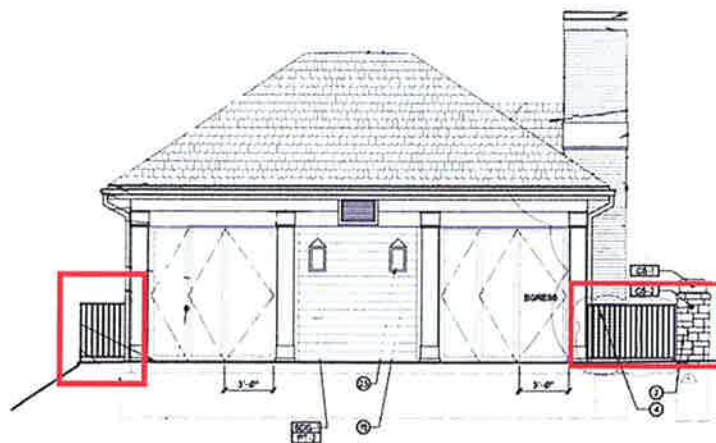


09-034CDD
 Corridor Development District
 Shoppes at River Ridge - Montgomery Inn
 4565 W. Dublin-Granville Road

PROPOSED FENCE ELEVATIONS

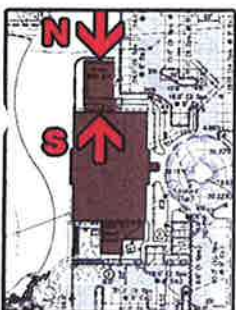


North Elevation



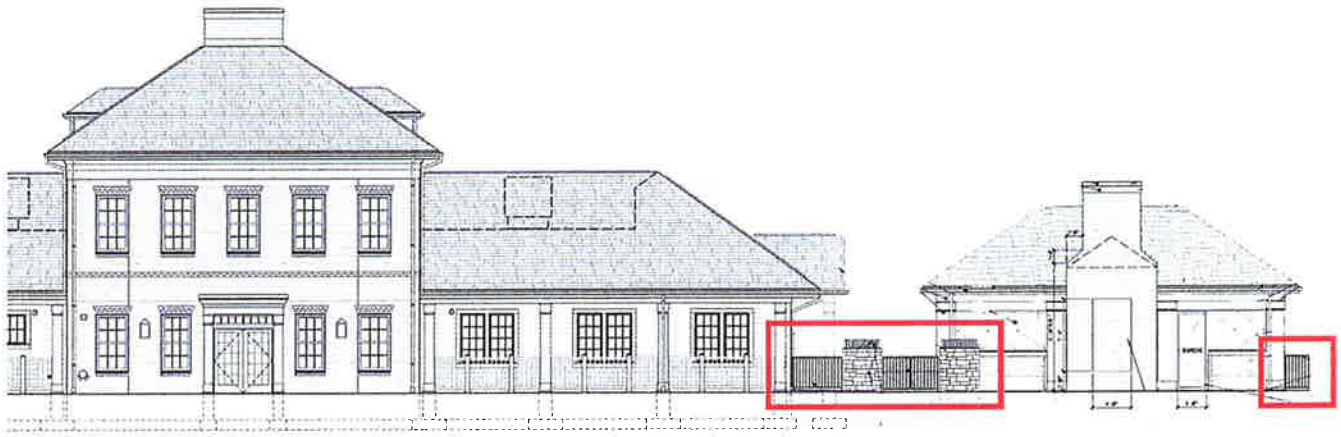
South Elevation

LOCATION MAP

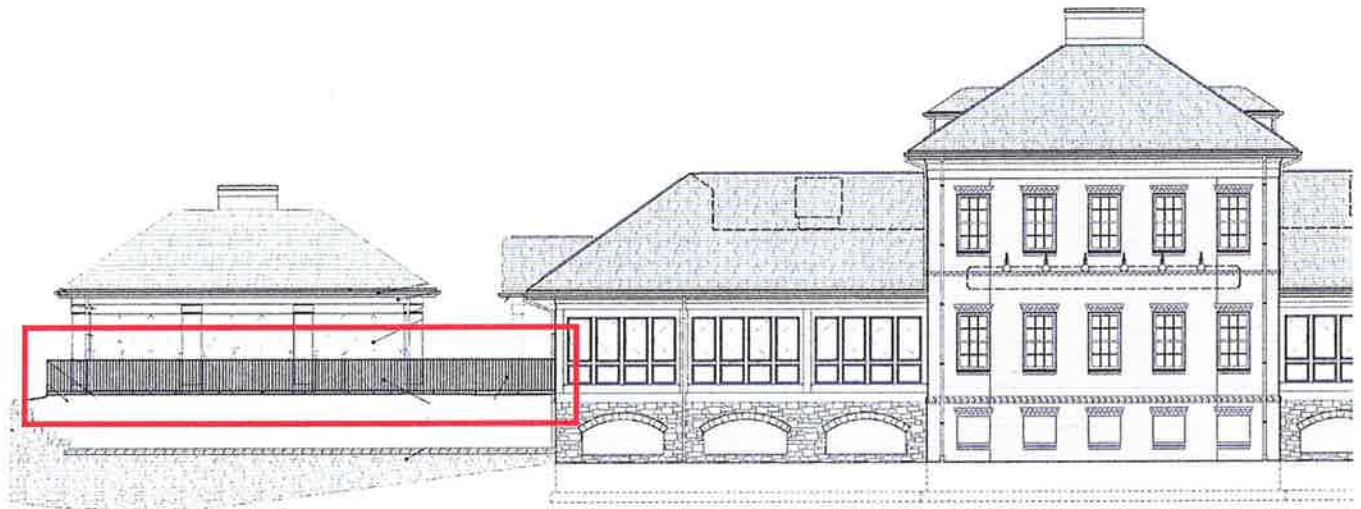


09-034CDD
Corridor Development District
Shoppes at River Ridge - Montgomery Inn
4565 W. Dublin-Granville Road

PROPOSED FENCE ELEVATIONS

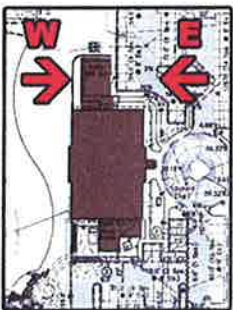


East Elevation



West Elevation

LOCATION MAP



09-034CDD
Corridor Development District
Shoppes at River Ridge - Montgomery Inn
4565 W. Dublin-Granville Road

EXISTING FENCE



09-034CDD

Corridor Development District
Shoppes at River Ridge - Montgomery Inn
4565 W. Dublin-Granville Road

PROPOSED FENCE



09-034CDD
Corridor Development District
Shoppes at River Ridge - Montgomery Inn
4565 W. Dublin-Granville Road

CASE HISTORY



PLANNING AND ZONING COMMISSION

RECORD OF ACTION

JULY 9, 2009

CITY OF DUBLIN

Land Use and
Long Range Planning
5800 Shier-Rings Road
Dublin, Ohio 43016-1236

Phone/ TDD: 614-410-4600
Fax: 614-410-4747
Web Site: www.dublin.oh.us

Creating a Legacy

The Planning and Zoning Commission took the following action at this meeting:

**2. Shoppes at River Ridge – Montgomery Inn 4565 West Dublin-Granville Road
09-034CDD Corridor Development District**

Proposal: To modify a fence for an existing restaurant within the Shoppes at River Ridge development. The site is located on the south side of West Dublin-Granville Road, approximately 750 feet east of the intersection of Riverside Drive.

Request: Review and approval for modifications within the Corridor Development District under the provisions of Code Section 153.115.

Applicant: Evan Andrews, Owner; represented by Dean Baumgartner, Ford and Associates.

Planning Contact: Rachel E. Swisher, Planner I

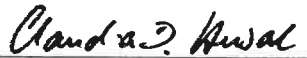
Contact Information: (614) 410-4656, rswisher@dublin.oh.us

MOTION: To table this Corridor Development District application at the request of the applicant.

VOTE: 7 – 0.

RESULT: This Corridor Development District application was tabled.

STAFF CERTIFICATION



Claudia D. Husak, AICP
Planner II

09-034CDD
Corridor Development District
Shoppes at River Ridge - Montgomery Inn
4565 W. Dublin-Granville Road

Motion and Vote

Mr. Freimann made the motion to approve this Amended Final Development Plan because it is consistent with the Emerald Fields Park Master Plan, is compatible with the surrounding area and complies with the criteria with four conditions:

- 1) A final utility plan is required as part of the building permit approval indicating appropriate water and sewer connections to the site;
- 2) Utilize mounding and plant material along the eastern side of the existing private drive to meet the vehicular use perimeter buffering requirements, subject to Planning approval;
- 3) Wood lattice shall be substituted for the proposed vinyl lattice screen used along the western edge of the parking lot and for screening the service area; and
- 4) The landscape plan be revised to provide more deer resistant landscaping material, additional deciduous trees west of the sidewalk to the south and foundation planting around the maintenance and restroom building, subject to approval by Planning.

Ms. Karagory agreed to the above conditions. Mr. Fishman seconded the motion.

The vote was as follows: Mr. Fishman, yes; Ms. Amorose Groomes, yes; Mr. Walter, yes; Mr. Taylor, yes; Ms. Kramb, yes; Mr. Zimmerman, yes; and Mr. Freimann, yes. (Approved 7 – 0)

**2. Shoppes at River Ridge – Montgomery Inn 4565 West Dublin-Granville Road
09-034CDD Corridor Development District**

Ms. Amorose Groomes announced that a written request to table this case had been received from Dean Baumgartner, Ford and Associates Architects, representing the owner/applicant, Evan Andrews, Montgomery Inn.

Motion and Vote

Flite Freimann made the motion to table this Corridor Development District Application as requested. Warren Fishman seconded the motion. The vote was as follows: Mr. Zimmerman, yes; Ms. Amorose Groomes, yes; Mr. Taylor, yes; Ms. Kramb, yes; Mr. Walter, yes; Mr. Fishman, yes; and Mr. Freimann, yes. (Approved 7 – 0.)

**3. Dublin Jerome High School – Parking Lot Expansion 8300 Hyland-Croy Road
09-056AFDP Amended Final Development Plan**

Chair Chris Amorose Groomes introduced this Administrative matter and explained the rules and procedures. Ms. Amorose Groomes polled the Commissioners as to whether a presentation was necessary for this application, and they chose to forego the presentation.

Kevin Walter asked about the pedestrian connections between the parking and athletic facilities and if they were going to be integrated as a part of this plan, since those connections do not currently exist.

Jonathan Papp said a connection existed just south of the tennis courts and it will be maintained. He said the connection continued to the varsity and softball fields as well.

2. **54 South High Street**
08-019Z

Rezoning

[This case was pulled from the cases eligible for the consent Agenda by Richard Taylor who indicated that a presentation was not necessary.]

Mr. Taylor asked to see renderings of the proposed architecture for context purposes.

Claudia Husak explained that the Planning Report stated the final approval for the architecture and site modifications was made by the Architectural Review Board (ARB) in January 2009. She said the approval included an attached, two-story, 2,500-square-foot addition to the existing building and a 1,600-square-foot free-standing structure, a cottage/carriage house arrangement with an improved parking lot, landscaping, and so forth. She said the change in topography was significant on the site and presented elevations of the existing building with that elevation on top.

Mr. Taylor asked if there would be any significant re-building of the existing structure. Ms. Husak said the addition was attached to the existing structure.

Robert Kortsen, 16235 River Birch Drive, Marysville, representing the applicant Lawrence Paglionni said he thought they now had a plan that would work for the rest of that side of High Street.

Mr. Zimmerman asked if there was anyone who wished to make additional comments on this case. [There was no one.]

Motion and Vote

Mr. Zimmerman made the motion to recommend approval to City Council of this Rezoning application to change the zoning from CB, Central Business District to HB, Historic Business District because it is in keeping with the objectives and goals of both the residents and businesses of the Historic District and the City of Dublin, and meets the Community Plan

Mr. Taylor seconded the motion. The vote was as follows: Ms. Kramb, yes; Mr. Freimann, yes; Mr. Fishman, yes; Mr. Walter, yes; Ms. Amorose Groomes, yes; Mr. Taylor, yes; and Mr. Zimmerman. (Approved 7 – 0.)

3. **Shoppes at River Ridge – Montgomery Inn**
09-017CDD

4565 W. Dublin-Granville Road
Corridor Development District

Todd Zimmerman briefly explained that this case was an administrative matter in which the Planning and Zoning Commission was serving in a quasi-judicial role and that public comment would be permitted based on objective facts and evidence and should not consist of opinion statements. He swore in anyone intending to address the Commission in regards to this case, including Dean L. Baumgartner, Ford & Associates Architects, who represented the applicant, Evan Andrews, Montgomery Inn, and City representatives.

Mr. Zimmerman acknowledged that the Commissioners had received and read the correspondence provided from Donn Griffith, 6465 Martin Place, Dublin, Ohio 43017 concerning this case.

Motion and Vote

Mr. Zimmerman made the motion to approve this Corridor Development District application because the proposed entry vestibule complies with the Corridor Development District criteria and the existing development standards within the area.

Chris Amorose Groomes seconded the motion. The vote was as follows: Mr. Taylor, yes; Ms. Kramb, yes; Mr. Freimann, yes; Mr. Fishman, yes; Mr. Walter, yes; Ms. Amorose Groomes, yes; and Mr. Zimmerman. (Approved 7 – 0.)

Mr. Walter mentioned that there seemed to be some sloughing of the rock face in the pond at the base of this property and asked what was happening.

Jennifer Rauch clarified that the exposed rock bed and stone base will be visible and the construction has nothing to do with it. She said the grading had been reviewed and approved by Engineering.

Mr. Andrews said that there will be plantings and natural grasses on the hillside. He thanked the Commission and said that Montgomery Inn would be opening on April 15.

~~4. Shoppes at River Ridge – The Wine Loft 4415 West Dublin-Granville Road 09-020CDD/CU Corridor Development District/ Conditional Use~~

~~[This case was pulled from the cases eligible for the consent Agenda by Flite Freimann who indicated that a presentation was not necessary.]~~

~~Todd Zimmerman briefly explained that this case was an administrative matter and the Planning and Zoning Commission was serving in a quasi-judicial role and that public comment would be allowed based on objective facts and evidence and should not be opinion statements. He swore in anyone intending to address the Commission in regards to this case, including Allen S. Bornstein, Williams-Shepherd Architects, representing the applicant, Kevin North, The Wine Loft, and City representatives.~~

~~Mr. Freimann asked whether the proposed patio furniture and fence would be complimentary to that of Bruegger's Bagels.~~

~~Mr. Bornstein said the black aluminum fencing will mimic Bruegger's Bagels to keep it all consistent. He said the similar durable patio furniture will be black, but the umbrella color will be different.~~

~~Ms. Rauch confirmed that the chair style is slightly different, but it will be the same black. She said the fence and patio furniture was the same design and height as at Bruegger's Bagels.~~

~~Mr. Freimann acknowledged that the Commission had received and read the correspondence from Donn Griffith, 6465 Martin Place, Dublin, Ohio 43017 concerning this case. He said he was concerned even before he read Dr. Griffith's letter because when the Montgomery Inn was reviewed by the Commission, there were extensive discussions about noise and pollution coming from their patio. He suggested the Commission discuss the intended uses and perhaps make the~~



PLANNING AND ZONING COMMISSION

RECORD OF ACTION

OCTOBER 9, 2008

CITY OF DUBLIN

Land Use and
Long Range Planning
5800 Shier-Rings Road
Dublin, Ohio 43016-1236

Phone/ TDD: 614-410-4600
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Web Site: www.dublin.oh.us

Creating a Legacy

The Planning and Zoning Commission took the following action at this meeting:

**2. Shoppes at River Ridge- Montgomery Inn 4565 West Dublin-Granville Road
08-062CU/CDD Conditional Use/Corridor Development District**

- Proposal:** A 1,000-square-foot outdoor dining patio and structure for a restaurant within the Shoppes at River Ridge development. The site is located on the south side of West Dublin-Granville Road, approximately 750 feet east of the intersection of Riverside Drive.
- Request:** Review and approval of a conditional use under the provisions of Code Section 153.236 and for modifications within the Corridor Development District under the provisions of Code Section 153.115.
- Applicant:** Evan Andrews; represented by Dean Baumgartner, Ford and Associates Architects.
- Planning Contact:** Rachel E. Swisher, Planner I.
- Contact Information:** (614) 410-4656, rswisher@dublin.oh.us.

MOTION #1: To forego the 15-Day Rule and accept the new correspondence received into the record from the attorney representing William Trembly, the property owner immediately south of the Shoppes at River Ridge.

VOTE: 4 – 2.

RESULT: The 15-Day Rule was set aside and the correspondence was accepted.

MOTION #2: To approve this Conditional Use/Corridor Development District application because the proposed outdoor dining patio use complies with the Conditional Use and the Corridor Development District criteria and the existing development standards within the area, with the following five conditions:

tonight or if they would prefer to enforce the 15-Day Rule and not accept it. She added that the case could be tabled if information within the letter required additional time for consideration.

Todd Zimmerman suspended this case and began the next case so copies of the correspondence could be distributed to the Commissioners for review.

When the case was continued, Kevin Walter noted that on December 6, 2007, Case 07-123CDD – Shoppes at River Ridge – Montgomery Inn restaurant came before the Commission and Mr. Trembly presented concerns at that meeting that were very similar to the ones listed in the letter. He said that led him to believe that Mr. Trembly was aware of the patio that would be developed in association with the restaurant. He pointed out that on July 17, 2008, this particular case came before the Commission and Mr. Trembly was properly notified of that meeting. He said he was reluctant to allow the correspondence to be accepted into the record inside of the date established by the 15-Day Rule.

Flite Freimann responded that everyone had received the correspondence and he did not see harm in accepting it. He said the applicants have had a chance to review the letter and will have an opportunity to rebut. Mr. Freimann said he understood and was sympathetic to Mr. Walter's point that Mr. Trembly knew or should have known what was going to be developed in association with the restaurant, but he reiterated that he was inclined to allow the correspondence into the record.

Chris Amorose Groomes confirmed that Mr. Trembly was present, and therefore she saw no problem with accepting the correspondence.

Mr. Walter said he had no problem with taking testimony from Mr. Trembly regarding the case, but he had trouble admitting the letter into the record inside of the time period in which submissions are allowed.

Mr. Zimmerman said he agreed with Mr. Freimann and did not see any harm in accepting the correspondence into the record.

Motion #1 and Vote

Mr. Zimmerman made the motion to forego the 15-Day Rule to accept the correspondence received today into the record from the attorney representing William Trembly, the property owner immediately south of the Shoppes at River Ridge. Mr. Freimann seconded the motion. The vote was as follows: Mr. Walter, no; Mr. Taylor, no; Ms. Amorose Groomes, yes; Mr. Fishman, yes; Mr. Freimann, yes; and Mr. Zimmerman, yes. (Approved 4 – 2.)

Todd Zimmerman swore in Dean Baumgartner, Ford and Associates Architects, representing the applicant, City representatives, and anyone else who wished to speak in regard to this case.

Rachel Swisher presented this request for review and approval of a Conditional Use and Corridor Development District application for the addition of an outdoor dining patio located within the Shoppes at River Ridge development. She reported that the Shoppes at River Ridge development was approved by the Commission in March 2005 with a condition of the approval requiring all outdoor dining areas to be reviewed and approved by the Commission. Ms. Swisher stated that a variance to permit a reduction in the required number of parking spaces was granted

by the Board of Zoning Appeals in April 2005, and this parking variance accommodates a total of 1,000 square feet of patio or outdoor dining space for this building.

Ms. Swisher said the Montgomery Inn restaurant building was approved in December 2007, and this patio request was informally reviewed by the Commission on July 17, 2008. She noted that the Commissioners indicated overall support for the proposal however they also wanted to see coordination between the design of the patio and main building. She said some of the Commissioners suggested that the use of a glass window system that could be used instead of clear vinyl curtains as originally proposed. Ms. Swisher said there were also concerns expressed regarding a potential for disturbance associated with live entertainment hosted on the patio. Ms. Swisher said the applicant has revised their original proposal based on the Commission's comments.

Ms. Swisher described the proposal to construct a 1,000-square-foot semi-enclosed patio for outdoor dining and entertainment located north of the approved restaurant building. She pointed out that the overall design and the proposed building materials for the patio match those used for the restaurant. She explained the proposed window system that would semi-enclose the patio utilizing glass casement windows. Ms. Swisher said that the applicant had not yet finalized their furniture selection at this time and Planning therefore recommends that the final selection coordinate with the design of the main building and be approved by Planning prior to installation.

Ms. Swisher said that the patio is proposed for outdoor dining and entertainment for most of the year. She stated that Planning recommends that the outdoor performances taking place within the structure be limited to normal noise levels, subject to the City's Noise Ordinance, and that the hours of operation for outdoor dining be limited to no later than 10 p.m. which is consistent with what has been approved for other outdoor dining and entertainment patios in the area.

Ms. Swisher stated that conditional use review is necessary and appropriate in order to limit the hours of operation and the activities that may occur within the patio area. Ms. Swisher concluded that Planning recommends approval of this request with the following two conditions:

- 1) That the final patio furniture selection coordinate with the design of the restaurant building and that the final selection be approved by Planning; and
- 2) 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 that the hours of operation for outdoor entertainment be limited to no later than 10:00 p.m.

Mr. Walter asked why the hours of operation and music were being discussed again.

Ms. Swisher explained that at the July 17th meeting, it was discussed that a limitation on the hours of operation and types of outdoor entertainment would be necessary to be consistent with other patios that have been reviewed by the Commission. She said Planning has offered a condition limiting noise levels and hours of operation for the Commission to approve should they feel it is appropriate.

Mr. Zimmerman pointed out that the framing on the proposed windows appeared to be a darker color on the renderings and asked if the door and glass frames were the same color as what would be used on the main restaurant building. Mr. Baumgartner said that all the window

frames and doors are white. He noted that the graphics appeared dark when printed on the 11-inch by 17-inch plans.

Ms. Amorose Groomes asked what the restrictions were for the Digger and Finch patio. Ms. Swisher said that the limitations were very similar to the proposed condition limiting all outdoor entertainment to 10 p.m. Ms. Noble-Flading added that outdoor entertainment was also limited to Fridays and Sundays between May and September.

Mr. Walter asked why this patio was not considered a permanent structure.

Ms. Swisher explained that it could be open on all four sides at any given time. She pointed out that the windows on the north and west elevations were floor-to-ceiling, so these two sides could be entirely open. She stated that if there were activities occurring within the structure while the windows were fully open, there is a potential for more noise to emanate from the structure than if it were to occur in a fully enclosed structure.

Ms. Readler explained that the patio it is considered an outdoor service facility per Code, which requires review as a conditional use.

Mr. Walter noted that the clear vinyl curtains were no longer proposed. He asked if the intent was to store the tables, chairs, and everything else in the facility while it was not in use.

Mr. Baumgartner said the doors are for security, but the intent is for the patio to be used year-round, so there is not a need to store the furniture. He said a service station was proposed for the servers and there would be minimal storage for place settings.

Ms. Amorose Groomes asked if amplified sound is proposed. Ms. Swisher said a ceiling mounted speaker system is proposed for the structure.

Mr. Zimmerman invited any public comment in regards to this case.

Thomas Hart, the attorney representing William Trembly and his company, River Park Group, LLC, said they own the property immediately south of the Shoppes at River Ridge development and stated that his comments were not intended to oppose the proposed plan or Montgomery Inn. He said Mr. Trembly does not oppose the patio, but seeks to lessen any negative impact on the established business on his property, The Spa at River Ridge. He said the Spa was a business, but they also believe it is a community amenity with a very loyal customer base where customers seek a relaxed, tranquil setting to escape from the daily grind.

Mr. Hart said that while the proposed noise and time restrictions for patio entertainment are good steps, they are also asking for additional restrictions to lessen the impact on the Spa property, its customers, and operations. He stated that they were asking for the restriction that food be prepared entirely inside the restaurant, not on the patio, anywhere outside the building, or in the parking lot, which would limit some of the odor that would otherwise impact the surrounding properties. Mr. Hart said that they would also like to see a screen consisting of mounding and trees or hedges that would create a substantial visual buffer between the Montgomery Inn property and the Spa property. He suggested an opacity level of at least 50 percent due to his concern for the increase in traffic resulting from the patio and the fact the Spa is located within 20 feet the restaurant's parking lot.

Mr. Hart said that he believes that this application is a challenge to the Spa's operation and a nice buffer between the properties would lessen the impacts and shield the traffic and parking. He said that they would appreciate the Commission's consideration of these additional measures. Mr. Hart noted that Mr. Trembly has been a good neighbor and corporate citizen who takes great pride in his property and wants to maintain a tranquil setting.

Ms. Swisher pointed out that screening and landscaping along the southern property line was discussed during the original approval process for the Montgomery Inn restaurant, and the City is continuing to work with the applicant on placing additional trees to maximize screening efforts once construction has progressed.

Mr. Zimmerman confirmed that no more parking is being added to the parking lot and no additional asphalt is to be added with this application. He pointed out that the patio will be built on the north side of the restaurant. Mr. Zimmerman said the doors and window system will serve as a noise buffer as well as a protection from inclement weather.

Ms. Amorose Groomes did not think the windows would help buffer any sound. She thought that if there was a loud event, they would be more likely to open the doors and windows. She said she thought it was appropriate to limit all food preparation to inside the building. Ms. Amorose Groomes noted that although the City is not requiring additional parking, they are allowing quite a bit of additional seating space for this restaurant on the patio and it might be appropriate to provide a little more screening to the neighbors because the parking spaces to the south are likely to be filled more frequently. She said she thought it would be appropriate to require additional plantings, but mounding would be difficult because encroaching on the root zones of the existing mature trees would do more harm than good. Ms. Amorose Groomes suggested that supplemental planting, particularly of an evergreen nature, would be of value.

Ms. Swisher pointed out a continuous evergreen hedge along the southern vehicular use area was approved with the Montgomery Inn restaurant application, which would be installed once construction is complete.

Mr. Walter said he was not in favor of requiring any additional screening, buffering, or planting outside of what had already been approved. He recalled that one of the reasons for the patio location is to minimize the potential to disturb the adjacent property owners. He said he did not like the patio as an enclosed glass structure because it has become too permanent in nature. He noted that they need to be sensitive to the noise levels and the residents on the other side of the river and how noise would carry down the river corridor. He envisioned that in the middle of January, there could be events taking place on the patio with one set of windows open and the noise would be echoing down the river.

Mr. Freimann agreed that there was no need to require additional screening. Mr. Freimann said he did not know if he agreed that this was still a patio. He thought it was beautiful, and he definitely supported it, but he was hesitant to attach the Digger and Finch patio conditions and apply them. He said he would like to propose that the hours of operation and live music be limited for a 12-month period, after which the applicant and neighbors would come back to provide feedback on how things are working out. He said he did not want the Commission to lose control over the operation of this patio, and after a 12-month period, they can decide if the right decision had been made.

Richard Taylor said that since impact of sound with the glass in the walls is not known, he had no problem with re-evaluating the patio again after a full year had passed. He agreed that there was no connection between the addition of this patio on the north side of the restaurant and the need for more landscaping on the south side of the building.

Warren Fishman asked if there were patios in Dublin that were allowed later hours than proposed. Ms. Noble-Flading said that most of the other outdoor patios in Dublin are in the Historic District, and all of them are required to end live entertainment at 10 p.m.

Mr. Fishman asked if smoking was to be permitted on the patio. Ms. Noble-Flading stated that is possible.

Mr. Fishman thought it would be difficult to get customers to leave the patio at 10 p.m. if the restaurant is open later. He agreed that there has been some experience with sound traveling down to the residential areas along the river, and he agreed that this patio should be re-evaluated a year after opening. He confirmed that the white fiberglass fencing looked like wood and would match the fence on the porch of the approved restaurant building.

Mr. Langworthy clarified that although the sound on the patio would be turned off at 10 p.m., the customers could remain on the patio later.

Mr. Fishman asked if a paging system would be integrated with the sound system. Mr. Baumgartner confirmed that is was.

Mr. Walter said he was not in favor of the amplification for similar reasons discussed with Digger and Finch. He said the Commission determined the standard that would be applied and there was nothing significantly different about this site.

Mr. Zimmerman pointed out that Digger and Finch proposed to have live bands. Mr. Walter said he did not think that there was any expectation that there is not going to be live music on this patio.

Ms. Amorose Groomes recalled that at the July 17th meeting, the restaurant owner told the Commission that on football Saturdays, he anticipated having live radio shows and live bands might perform on the patio.

Mr. Walter said he would like the applicant to come back in a year and tell the Commission why they needed amplification because it would be easier to add it later than to take it away.

Mr. Baumgartner said the speakers on the patio were mainly for ambience and to announce tables. He said they would like to do remote radio shows and occasionally live music. He assured the Commissioners that Montgomery Inn had agreed to abide by the City's Noise Ordinance and also the time constraints.

Mr. Fishman said that it was not the music that concerned him, but table announcements. He suggested that those types of announcements be made only inside the restaurant.

Mr. Walter recalled an occasion when there was a special event going on at Digger and Finch and he could hear the music when he was at Tommy's Pizza on SR 161. He said sound carries from that area and there is no natural block for residents along the river.

Ms. Amorose Groomes said she was not inclined to support any amplification of live music, but if an appropriate level of 'elevator music' was desired during dining hours, she would not object. She did not want to hear tables announced over the loud speaker. She said there are other avenues in which to notify someone that their table is ready rather than using a speaker system. Ms. Amorose Groomes suggested that the applicant seek a special permit for special events, but such events should not happen every Friday, Saturday, and Sunday night.

Ms. Swisher suggested that Condition 2 include no amplification of live music on the patio. Mr. Freimann and Ms. Amorose Groomes agreed that they still could have acoustic music played on the patio.

Mr. Zimmerman pointed out that Tucci's and Brazenhead restaurants had patio music playing in the evenings. He said they were actually closer to the neighborhoods along the river and are not restricted in this way.

Mr. Walter responded that if Tucci's, Oscar's or Brazenhead were in front of the Commission for an application, he would want to restrict their music.

Mr. Zimmerman noted that there is a Noise Ordinance that has to be followed. He pointed out that the windows and doors were a bi-fold system that open and close tightly. He said he was familiar with these types of windows and knew that the glass would significantly deaden a lot of sound. He pointed out that the Digger and Finch patio was simply a platform and a roof, and that was where the noise came from. Mr. Zimmerman said he did not want to limit the type of activities that could take place on the patio because it was not limited at Digger and Finch.

Ms. Noble-Flading explained that Digger and Finch particularly wanted live music, so the applicant limited themselves.

Mr. Freimann proposed these conditions to allow live music on certain nights, that any music projected through the amplification system must be limited to levels consistent with the Noise Ordinance, and if the applicant felt that the live music should be amplified, they could return to the City for the appropriate permit. He suggested that after 12 months, the Commission could review the operation of the patio, and if the applicant, the residents, and the adjacent businesses are satisfied, the applicant could move forward with an amplification system, or the Commission could make appropriate modifications. He said live, unamplified acoustic music on the patio and on the nights that they opt play soft music through the speakers would be fine. He agreed that there should be no paging through the patio speakers.

Mr. Zimmerman asked if there would be outdoor food preparation on the patio. Mr. Baumgartner said they would not, based on the design intent, but he could not confirm on behalf of Montgomery Inn what they intended to do in the future. He said that a 12-month timeframe for evaluation seemed reasonable. He reiterated that they had agreed to operate within the Noise Ordinance, but he did not know if the applicant would agree to being restricted to an acoustic guitar at this point if they already satisfied the Noise Ordinance.