



**Board of Zoning and Planning Meeting Minutes
November 30, 2023
6:00 PM**

1) Call to Order

The meeting was Called to Order by Chairperson Behal.

2) Roll Call of Members

Members present: Mr. Eshelbrenner–alternate, Mr. Levine, Mr. Schick, Mr. Turner, Chairperson Behal

3) Approval of Minutes

Motion to approve Minutes from the September meeting by Mr. Turner, second by Mr. Schick; all in favor.

Motion to approve Minutes from the October meeting by Mr. Turner, second by Mr. Schick; all in favor.

4) Public Comments

Don Lewis–663 Euclaire, asked members to speak loudly into their microphones.

5) Old Business

The public who intended to testify were sworn in.

1) Application Number: BZAP - 23-23

Address: 2200 E Main

Applicant: Ryan Pearson

Owner: Continental Real Estate Cos.

Request: Architectural Review and approval to allow demo and redevelopment of the vacant Trinity Lutheran apartment structures at 2160, 2188 & 2186 E. Main St. (Parcel No.: 020-000836, 020-000217 & 020-000350 for a certificate of appropriateness for new 5-story building with housing alternatives. The applicant is also seeking a variance from Bexley code Section 1254.13 for parking and for a partial 6-story section of the building, a Special Permit for a new 5 -story mixed use building, to provide additional housing, restaurant, retail, offices and parking.

Ms. Bokor read the prepared Staff Report which detailed the history of this process and project.

Mr. Sudy gave a Staff Report which included information—some of which was recently submitted—and discussed the difference between a variance and a special permit. He mentioned access point changes to the application, some of which were based on public and City feedback. He discussed an updated traffic study and the consolidation of the two initially proposed buildings into one, stating that a traffic engineer has agreed with the overall findings of the traffic study. Mr. Sudy answered Chairperson Behal's questions about access points. Mr. Sudy stated all considerations to the Main Street Design standards were met or are yet to be determined but will be finalized with the design. He explained the unmet criteria including setback, width of the building, and minimum parking requirements. Furthermore, Mr. Sudy gave additional information regarding parking, and also stated that 95% of the time a parking space is vacant. Mr. Sudy explained the shared parking agreement is not yet in place, but is a condition of the project. The project will provide 315 parking spaces as currently stated, and is required to have 307, but the final configuration of the lot has not yet been approved. Mr. Sudy discussed whether or not to remand the case back to the Architecture Review Board and Tree & Public Gardens Commission and listed recommendations. Mr. Sudy discussed Board interpretation of the Main Street Design Standards and read the variance criteria.

Ms. Cunningham stated Board members do not need to find that every criteria is met.

Mr. Sudy and Ms. Bokor discussed height and the ARB's concerns about various areas of the building.

Mr. Kass of Continental Real Estate Company thanked members of the ARB, gave a history of development in Bexley, and shared a list of the interested parties. He stated all of the variances are at the request of the ARB. He explained the schools have approved the TIF that will give the dollars needed to approve the garage, which will not be visible.

Chairperson Behal thanked Mr. Kass for the changes to the building

Ryan Pearson of the Edge Group (land planning, landscape architecture) highlighted changes to the plan over time and mentioned parking and sight lines for traffic.

Mr. Pearson described the current plan and detailed the restaurant, retail, parking garage, plantings and trees, pedestrian access, trash, ADA access, dog relief, and the pocket park.

Mr. Kass pointed out the movement of the building in relation to short Bryden.

Gina Balsamo, traffic engineer with Carpenter Marty Transportation, explained the process of a Traffic Impact Study and stated the study showed there are no improvements needed from a traffic aspect for the public roadways, site access point, or cross access that it impacts. She also explained the intricacies of the site and her conversations with Mr. Sudy. She stated the analysis showed there are no improvements needed, despite the large number of added units to the site, because the existing infrastructure on the surface roads can handle the additional traffic

volume and the traffic volume can be spread out across different access points. She shared they had counted cars and generated new trip information based on industry practices which has accounted for a decrease in car ownership. It is her opinion that the modeling software is valid. Ms. Balsamo answered Board Member's questions about the traffic study and how students attending school will affect this number. Furthermore, she clarified that the project meets the level of service requirements that are generally acceptable in Ohio; which is anything above an "F" rating. Mr. Study explained his opinion why a "C" or "D" is preferable. Ms. Balsamo stated the location is currently a "D" and would continue to be a "D" with the proposed plan, and explained why congestion is wanted and expect.

Mr. Kass pointed out that there will be a drive aisle and that many of the apartments are one-bedroom apartments, which will limit the number of school-age children.

Chairperson Behal explained that those who make public comments will be limited to 3 minutes from those who have standing.

Mr. Hunt, an attorney representing residents of the Alexander, stated many of his comments were no longer applicable because the sought-after variances were no longer being requested but there were new ones. He stated the issue of due process and that he feels blind sighted. He pointed out the factors required for a variance should show practical difficulties but what he has heard, at least as it relates to the height variance, is the result of a negotiation with the ARB. He mentioned the parking garage and that he doesn't believe there is any reason for the two variances to be granted. He also mentioned the Alexander easement and how this project affects neighboring properties.

Ms. Cunningham stated the meeting was noticed, but she deferred to Ms. Rose as to whether or not it was noticed with what the applicant had applied for. She said it was true that some of the variances were created as a result of recommendations from the ARB but she disagreed that that was just about architecture, as many of the changes were to accommodate neighbors. She said that the height variance was appropriately noticed; the other variances were not noticed due to conversations at the ARB meeting.

Chairperson Behal stated that there might possibly need to be another session, but that would be up to the applicant.

A memorandum submitted by Mr. Hunt is included in the record and will be shared with Board members.

Mr. Hunt subpoenaed Carpenter Marty.

Mr. Hunt clarified that he represents the Association and will defer to whether or not they own property.

Mr. Hunt asked Gina Balsamo, traffic engineer with Carpenter Marty Transportation, to introduce herself. She gave a background of her work history and education, confirmed her seal and signature on the traffic study, and said parking was not included in this study. Mr. Sudy said parking has been evaluated but not studied as it is not required under the Code. She discussed what would happen if one of the access points was closed off. She stated the study does not take into account that Capital University was not in session during that time but the driving factor is the traffic volumes on Main Street and in and out of the site which are not as impacted by Capital University. She said the traffic study would be different if Capital was in full session but they do not know what the difference would be. She stated there were a couple of iterations of this plan due to the site and trip generation but nothing different related to background traffic. Ms. Balsamo explained why a table listed in a previous issue of the study was removed in the most recent study. Specifics of the study were discussed. Ms. Balsamo discussed supply of parking versus demand and gave her opinion that the existing data reflects this.

Ms. Balsamo confirmed Ms. Cunningham's point that in addition to the development, there is an increase in traffic in central Ohio.

Jody Fournier, 164 S. Cassingham and Provost at Capital University gave a history of Capital's involvement with this site. He stated they are excited about what the project can provide for the City and the university. He explained he does not believe students will be able to afford living in the apartments.

This case was recessed to allow for the hearing of BZAP-23-20.

Mary Dick, 486 S. Parkview—thanked Board members and asked if there was a dog park included in the plan, how the noise and dust generated during construction will be considered for nearby residents, questioned waste removal, and what would be done for residents living through this construction.

Jenn Dimascio, 446 S. Columbia—shared her concern of traffic affecting Bryden and South Columbia and stated the scope of the project seems large for the area.

Judy Fisher, 190 S. Dawson—stated she wants to sell her house and this seems ideal to her for those who would like to stay in Bexley.

Mrs. James Heddon, 409 S. Parkview—explained she submitted a letter to the Council that she would like entered into the record. Chairperson Behal stated Board members cannot consider letters. She mentioned documents online and that she hasn't been able to get an answer to her questions. She referenced the Bexley Zoning Code and gave her opinion that this project will enhance the community and has one heard justification from the proponents for a variance, stating this is an intrusion.

Vesna Mangano, business owner at 2268 E Main–stated Mr. Kass is devoted to Bexley and shared that when she opened her business, she was met with opposition due to parking and serving alcohol. She believes her business paved the way for attracting businesses and she showed a projected Main Street redevelopment from 1999. She said she feels the momentum has made a difference to Main Street and listed areas in Bexley that have grown, shared benefits of growth, and thanked Mr. Kass.

Mary Connor, 2170 Bryden, was sworn in–mentioned Mr. Kass, said she does not see accommodations for truck access, echoed concern about construction traffic, and gave her opinions about traffic. She is wondering if the Board has asked the developer to create 3D models of the proposed site, discussed due process, and comments made at the ARB meeting.

Megan Walker, 2725 Brentwood–spoke on behalf of the Powers Group and stated they are excited about the possibility of this development because there are not enough housing levels for those who want to live in Bexley. She said the retail space is an added plus and stated there was confidence in the developer.

Gloria Higgins, 2202 Bryden–shared that over the course of meetings on this properties, meeting attendees have heard many issues relating to the size of the building, but no one is talking about it. She suggested that the developer and the buyer do less; she does not believe all the units will fill.

Carol Kauffman, 2192 Bryden–stated that in general she supports this project and appropriates the proposal to shrink the building envelope because the site is sorely in need of redevelopment and wants to see Bexley being a welcoming community. She would like to see more outreach towards residents living on the northern edge, more tree coverage along the northern side, consideration of features to reduce flooding due to the hardscape, more affordable units, and solar panels.

Jim Gross, 500 S. Parkview–clarified an earlier statement regarding the Association and stated they are for responsible development and the project’s architectural changes have not solved the negative impacts of this building on the neighbors. He stated the Alexander exists and is entitled to protection. He mentioned human scale and shared that this building will change Main Street forever. He stated that opponents deserve to be respected.

Patti Shorr, 383 Westland–explained she is very much in support of this project because it will bring people to Bexley.

Lynn Jeffrey, 500 S. Parkview–discussed compatibility and stated this building is not compatible.

Ross Friedman, 938 S. Remington–stated that he was looking for this type of housing when he moved back to Columbus and mentioned affordability.

Kathy Shkolnick, 500 S. Parkview—explained her unit is one of the two that will be most affected by this. She said the street will be 10 feet away from her window. She discussed the negative impacts on this project on her unit, stating this project will do her harm. She stated there are many negative impacts and that if this project is approved, she intends to appeal it.

Cheryl Stauffer, 353 S. Parkview—spoke in favor of this project and stated these types of buildings bring vibrancy to the neighborhood and help diversify it. She encouraged making changes.

Melaine Rothey, 374 S. Columbia—mentioned concern about due process and stated Mr. Kass, not staff, should be arguing the variances. She said she is finding it difficult to believe that Bexley residents will want to downsize to a one-bedroom apartment.

Chairperson Behal stated staff give reports, but they are not proponents or opponents of the case, and the Board tries to apply statutory principles to all cases.

Maria Rosenthal, 500 S. Parkview—mentioned recycling collection at the building and how the collection will impact her. She stated she is “Bexley” and this is not good for her.

There was discussion about next steps in order to end the meeting in a timely manner. Mr. Kass stated he would be fine with a special meeting. He asked if the height variance could be voted on at this meeting.

Tiasha Letostak, 256 N Cassingham—read a statement which had previously been submitted regarding inclusionary practices and affordability. She stated the benefits of mixed-use buildings such as this, and the demand for this type of building. She spoke to retaining residents and not being held back from progress. Ms. Letostak answered Chairperson Behal’s question about the affordability of a unit in the building for her family.

Steve Diamond, 500 S. Parkview—stated he agreed with Mr. Gross and others in opposing the current proposal. He discussed public access, how this will affect bedrooms in the Alexander on the side, accessing the garage, crime, the age of future residents, and the hypothetical situation in which Capital would have donated this land.

Alejandro Diez, 281 S. Parkview—discussed rules and how they are applied equally. He would like to see Mr. Kass follow the laws that are already there. He said he does not feel this follows the same spirit of what is already existing. He said this will leave an impact and asked questions about parking, density in the code, and limiting the number of households with children.

Chairperson Behal stated every case before the Board is someone requesting to receive a variance from the Code.

John Rausch, 500 S. Parkview—explained he owns a detached garage, how he backs out of the garage, and the hardships with increased traffic. He stated he will also appeal should this be passed.

Mike Murnanc, 226 S. Columbia—discussed learning, earning, and serving; that the property is not large enough for this development; and that this will put too much on the current residents.

Chairperson Behal stated Mayor Kessler has not influenced the committee.

Jay Crane, 500 S. Parkview—stated he is concerned about this project on property values. He shared he will also appeal this project if it is approved.

Jennifer Hirsh, 2265 Bryden—stated this is an opportunity to have an innovative, environmentally forward project and trust.

Steve Calhoun, 2462 Caroline—explained that based on his retail design and architect background, he feels the project is too large for the site and suggested tests to understand the scale.

Nancy Marzella, 500 S. Parkview—referenced the alley and the view from her unit and the proximity to the parking garage is scary.

Mark Landon, 500 S. Parkview—discussed the parking garage and the assumptions made regarding access, and his intention to appeal should this be approved.

Angela Yock, 4240 Bryden—gave her opinion that the applicant has not worked in good faith with the neighbors, does not feel this has been a transparent process, and shared the similarities and differences with this project and other projects and locations. She mentioned diverse housing, parking, traffic, the traffic study, notice, Staff roles, and more.

Mr. Kass stated the Alexander is several inches higher than this project and described the heights, mentioning it is not near the sixth story of the proposed project. He clarified there will be additional access points onto the site and discussed waste. He shared information about home ownership, the arrangement with the school district, and the sizes of the apartments and the building's amenities, feasibility of a smaller building, and trees and landscaping. He stated that for those who don't live right next to it, you will appreciate what is being proposed. He explained construction access and process. He stated they will be a responsible contractor and spoke to market values.

Mr. Kass gave some background information and Mr. Sudy discussed the height of the proposed project. Ms. Bokor explained the request of the sixth floor on behalf of the ARB and explained her role as the Design Consultant. She stated the Record of Action from the ARB meeting was posted earlier in the day and stated the ARB would like to see some changes to the design.

Mr. Kass stated there are many opinions and no easy answers.

Chairperson Behal stated different criteria would need to be address if a different project was proposed.

The Board's role was discussed. Mr. Sudy stated this was granting a variance for a sixth story building and mentioned the criteria to evaluate them. There was discussion about appeal. Ms. Cunningham suggested voting on it all together.

The Applicant asked that the case be Tabled to a special meeting on December 18 at 6:00 pm.

Motion to Table this case to the date certain by Mr. Schick, second by Mr. Tuner; roll call: Schick–Yes, Tuner–Yes, Eshelbrenner–Yes, Levine–Yes, Behal–Yes.

6) New Business

2) Application Number: BZAP-23-20

Location: 2572 Brentwood

Owner: Marion Handler

Applicant: Kiernan Smith

Request: The applicant is seeking a modification to a variance approved by the Board of Zoning and Planning on July 27, 2023, which allowed a 22'-30' flat roof detached garage to be replaced with a 23' x 34' detached garage, and located 3' from the (north) rear property line and 5'1" from the (east) side property line. The applicant is now seeking approved to allow the new garage 3' from the east side property line.

Bryan Testerman was sworn in.

Ms. Rose gave a Staff Report explaining the history of this case and the setback requirement.

Findings of Fact and Decision of the Board for Application Number BZAP-23-20 for property located at 2572 Brentwood: Upon consideration of the application, proposed variance and evidence and testimony before it, the Board finds: the Applicant has proven that the criteria to grant an area variance in Bexley Code Section 1226.11(c) have been met and a variance from Bexley Code Section 1252.15 to allow a 23 x 34 square foot garage previously approved at 5'1" from the east side property line to be located 3' from the east side property line shall be granted as submitted.

The applicant understood the Findings of Fact.

Motion to approve the Findings of Fact by Mr. Schick, second by Mr. Turner; roll call: Schick–Yes, Levine–Yes, Turner–Yes, Eshelbrenner–Yes, Behal–Yes.

3) Application Number: ARB -23-37

Address: 2010 E Broad Street

Applicant: Brent Foley

Owner: Catholic Diocese of Columbus Request: The applicant is seeking Architectural Review and approval and a Certificate of Appropriateness for expansions to the old gym to add 2 stories and variance from the height limit, to allow the addition to match the height of the existing building..

This case was reviewed as the first item during the meeting.

Ms. Rose stated that this is case BZAP-21-36.

Rachel Shultz with Triad Architects represented this case.

Ms. Rose gave a Staff Report detailing the history of this case and explained what the applicant is requesting and Ms. Bokor stated the ARB recommended this in the positive to come before the BZAP with a few minor changes.

Ms. Shultz stated they are requesting this change so that the new building matches the existing.

Findings of Fact and Decision of the Board for Application Number BZAP-21-36 for property located at 2010 E Broad: Upon consideration of the application, proposed variance and evidence and testimony before it, the Board finds: the Applicant has proven that the criteria to grant an area variance in Bexley Code Section 1226.11(c) have been met and a 4 foot variance from Bexley Code Section 1252.10 to allow a second and third floor addition to the gym shall be granted with the following conditions: subject to design review and approved by the design consultant.

The applicant understood the Findings of Fact.

Motion to approve the Findings of Fact by Mr. Schick, second by Mr. Turner; roll call: Turner–Yes, Schick–Yes, Eshelbrenner–Yes, Levine–Yes, Behall–Yes.

7) Other Business

Review of Ordinance 40-23, to amend Chapter 1254, Commercial and Institutional District Regulations, in order further affirm the prohibition of uses involving any Adult Use Cannabis Operator; Adult Use Cultivator, and Adult Use Dispensary

Mayor Kessler explained the proposed ordinance and how this relates to zoning.

Ms. Cunningham stated that local governments can prohibit medical marijuana dispensaries within city limits and mentioned the most recent constitutional amendment.

Mr. Turner shared his thoughts as the majority of the people in the state voted for allowing marijuana usage.

Chairperson Behal discussed the sale of cannabis and Mayor Kessler stated Council has outlawed the sale of flavored vape. Other first amendment issues were mentioned.

Chairperson Behal asked board members if City Council should adopt this prohibition: roll call: Tuner–No, Schick–Yes, Levine-Yes, Eshelbrenner-Yes, Behal–Yes.

8) Adjourn

The meeting was adjourned.