



**Board of Zoning and Planning Special Meeting Minutes**  
**December 18, 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. Marsh, Mr. Schick, Mr. King, Mr. Levine, Ms. Dorn, Mr. Eshelbrenner, Chairperson Behal

**3) Approval of Minutes**

No Meeting Minutes were discussed.

**4) Public Comments**

Because this was a special meeting, Chairperson Behal did not ask for general comments on the operation of the BZAP.

**5) Old Business**

Chairperson Behal indicated this meeting is a continuation of the meeting originally held on November 30, 2023. Chairperson Behal asked members of the Board who were not present at the last meeting to review the recording of that meeting. Ms. Dorn, Mr. Marsh, and Mr. King indicated they had. Mr. Levine, Mr. Eshelbrenner, Mr. Schick, and Chairperson Behal were present at the previous meeting.

Chairperson Behal shared there is new evidence for that case that will be presented at the meeting.

1) Application Number: BZAP-23-23

Location: 2200 E. Main Street (Parcel No.:020-000836,020-000217, & 020-000350) Owner: Continental Real Estate Co.

Applicant: Ryan Pearson

**Request:** The applicant is seeking approval to allow demo and redevelopment of the vacant Trinity Lutheran apartment structures at 2160, 2188 & 2186 E. Main St. and a certificate of appropriateness for a new 6-story mixed-use building to provide additional housing, commercial uses and a parking garage. The applicant is also seeking a variance from Bexley Code Section 1254.10 District Regulations (maximum height of principal building) in the MS District to allow a 6-story building, a variance from Bexley Code Section 1254.13 f. (required maximum depth of public space) in the MS District to allow a +/- 50' building setback for public-private space, and a variance

from Bexley Code Section 1254.13 g. (minimum building width along primary frontage) in the MS District to allow a building to be +/- 75% of the lot width.

Mr. Sudy said there was confusion regarding the notice and variances at the last meeting and he wanted to clarify these and update the Board on a few small items. He said the Board will approve or deny a Certificate of Appropriateness by request; the Board is being asked to vote on the Certificate for the overall project. As part of this, the Board would be approving the demolition of what is currently on the site. The other things to be decided are variances, for which there are criteria; it is the Board's responsibility to ascertain whether or not the criteria have been met. He shared the variances are for the story limit, required maximum depth, and the primary frontage, and he explained each of these. Mr. Sudy highlighted the changes, including a new traffic study, and stated the third-party reviewer of the study found the results to be accurate and complete. He also shared there will likely need to be future synchronization discussion with regards to signals if it is approved and goes forward, and that there is a necessity in this project for approval by the CIC and the City of Bexley for the proposed alterations to the parking lot outside of City Hall. He said the CIC and City of Bexley are in favor of the changes although some final approvals would need to take place. He said there are no other significant changes to the Staff Report. Finally, he stated there is no need for a parking variance as a result of a calculation error. He explained this is contingent on the approval of a shared parking agreement that would need to be in accordance with the City of Bexley and the CIC. It was determined that the CIC and the City of Bexley are the owners of the parking lot outside of City Hall and would be the entities to participate in a joint parking arrangement—along with the applicant—as long as it can be reached.

Mr. Sudy stated the 313 provided parking spaces are all of the spaces provided in the parking garage and rear lot; access and space location were discussed. He said anything in the shared parking agreement would need to be public, and also that there will be a financing component of garage spaces.

Ms. Bokor stated that additional documentation and images had been added to the Staff Report, explained that the ARB asked for specific conditions, and shared the evolution of the design. Ms. Bokor shared the ARB's conditions:

1. The applicant return to the ARB with material boards and samples.
2. Headlight screening be added to the parking lots where needed
3. The west drive be redesigned to enhance the green space and allow substantial tree planting.
4. The north and west elevations should be reworked to lesson the massing,, create better connection to the ground, screening of the garage, and use of more consistent materials.
5. A reduction of height on the west and north elevations toward the rear of the site.
6. The west elevation should have more variation in the plane of the facade and the height.
7. The ARB supports the addition of the 6th floor architecturally to allow flexibility in lessening the overall massing of the building.
8. Outdoor dining adjustments should be reviewed by the ARB when a tenant is secured.
9. The application should be remanded back to ARB for final design review and approval.

Mr. Sudy explained that there were comments from the Tree and Public Gardens Commission; some were not able to be included because they were for special permits and variances that are no longer applicable and ones were incorporated into the conditions in regard to the exterior landscaping and parking lot outside. He shared with the Board that if they make a motion and remand this back to either of the boards for further review, he recommends that it retain approval for this Board so there is one Board overseeing the entire application. He stated it is typical to remand the case back for specific items, as soon as the next meeting or at a subsequent time in the future. Chairperson Behal stated the ARB has reviewed this case on numerous occasions; Ms. Bokor said there were four official hearings. It was confirmed that the ARB recommended the BZAP approve the request for a Certificate of Appropriateness with conditions.

Chairperson Behal asked that residents who spoke at the last meeting limit comments to new issues.

Joe Miller with the Vorys Law Firm spoke on behalf of Mr. Kass and the Continental Real Estate Company. He gave background on the site and stated that it is already zoned as mixed-use commercial. He shared he believes the opponents and proponents of the project agree that the current buildings are unremarkable and lack historical significance. He stated the current proposed building has been changed and improved significantly due to various input and explained changes to the western portion drive aisle to be only south bound. He indicated the development is aligned with the City's goals and explained this further, reviewed the applicant's requests and the permission of variances, and the requirements for approval of variances. He stated the design is a reaction to the City's aesthetic requests which have created the need for variances. Mr. Miller then stated that in light of the scale of the project, the variances are not substantial and that the neighborhood will benefit from them, and explained his position. He shared that the Alexander Condominium Association submitted a brief alleging certain detriments and stated that those do not relate to the specific variances, as well as that property values in the Alexander are appreciating. He stated that there is no evidence that the variances will not impact governmental services and explained the applicant is seeking to purchase the property in order to meet as many of the City's requirements and goals for development within the city. Furthermore, he stated the ARB's requested design changes cannot be implemented without the variances and that the spirit and intent behind the Zoning Requirement will be observed and substantial justice will be done by granting the variances.

Jason Hockstock of Continental Reality was sworn in and discussed the traffic study. He stated the eastern portion of the site hasn't changed; the upper level has two in/out access points, but on the west side, they have agreed to limit the portion of the drive to one-way southbound traffic. He stated they have worked with the fire department for approval on this and that the 49 spots are the only reason why anyone would come into the site from the Alexander driveway. However, the fire department will require a northbound component for their piece, which is why the width must be kept at 22 feet. Therefore, there will be signage to direct traffic. Mr. Miller shared his belief that this project is Main-street oriented. Various scenarios, access points, and routes were

discussed. Mr Hockstock and Mr. Miller stated this will not impact the Alexander's other parking easements. Mr. Miller explained that pedestrian crossing is encouraged and the Main Street interaction and the right in/right out on the west side.

Mr. Sudy explained that Code does not allow for curb cuts to be added on Main Street in projects, so they've relocated a curb cut and discussed the access on the north side. He also mentioned a distinct pedestrian linkage. Overall, he stated his belief that the plan is neutral along Main Street but potentially better throughout the site plan.

Mr. Miller mentioned the path from Bryden and consolidated access at the Bexley Square parking lot. Additionally, he pointed out that one of the variances reduces pedestrian scale.

Ms. Dorn shared that the parking lot will become an access point and wanted to make sure there are adequate pedestrian safety measures. Mr. Miller stated the agreement is still in the works with the City and CIC. Mr. Hockstock described the desire for a larger pedestrian path and the need for some sort of pedestrian crossings. Traffic slowing measures were discussed.

Gina Balsamo, traffic engineer with Carpenter Marty, was sworn in. She said the traffic study turn lane length calculations follow ODOT standards with updated traffic counts, and that the results and conclusions didn't change from the last iteration. She explained the existing east-bound, left turn lane is 95 feet long. In the no build scenario, it needs to be 150 feet long. She stated there is a City responsibility that does not change with the addition of the development traffic.

Mr. Miller said some demand is being created but the City is appropriately interested in the shared parking agreement to alleviate some of the concerns.

Mr. Miller said that the project involves many competing tensions between number of units, sizing, and rent, and they believe this scenario is the best possible result with a reputable, experienced builder willing to make an investment into the community.

The real experience used by the developer to determine profitability were discussed; Chairperson Behal stated his opinion that the number of units and inhabitants are important factors for the Board to consider.

Mr. Miller stated 232 residential units are planned in the current application. Locations for short-term parking were discussed for the use of valet and rideshare parking. Mr. Sudy explained those were eliminated from on-street parking credits, which reduced that number to eight. Mr. Miller shared that the parking calculations are based on calculations which lean towards car utilization, whereas the younger generation may be moving away from that.

Mr. Miller explained the reasoning behind the desire for the sixth floor. He shared it covers less than a third of the building but will likely not be visible for the average pedestrian on Main Street. He shared that the height of this proposed building is comparable to the height of the Alexander

and that the sixth story is modest when compared to the building as a whole. He also shared his belief that the building width is not substantial and the proposed depth from Main Street is an advantage. He explained the homes on Bryden are the reason the building is pushed forward on Main Street.

Brad Pauling of pH7 Architects was sworn in. He said there are balconies scattered across all four sides of the building, including those that face the Alexander; there are both large and individual balconies. He also said one of the reasons to push the building back was to give a buffer to the Alexander and the distance between the buildings and the property lines were discussed.

Mr. Miller explained that pertaining to the curb cut, they regard the swapping to be curb-cut neutral and that the City wants greater massing along Main Street. Mr. Pauling shared his belief that mass is subjective and there are steps taken to reduce mass along the building through carve outs, levels, and tiers. He said they are studying what can be done along the back facades that similarly reduce the perceived appearance of the building and reminded the Board that the parking structure underneath creates limits. He shared that the proposed building has more articulation than other buildings along Main Street.

There was brief discussion about whether or not the developer would need to come before the Board if the project was only three stories.

Mr. Miller stated his belief that the project meets the spirit, intent, and letter of the Code.

Ms. Balasmo said that from a pedestrian perspective, she does not believe the overall operations are not changing from the existing conditions. She explained the study does include ideas for optimization of the signals. However, overall, the study was focused on vehicular traffic. Ms. Dorn shared her belief that difficulties crossing the street from Capital may be compounded by this project. Ms. Balsaso stated she believes the City could look into this. Mr. Study said the City has been having these discussions about signal optimization and stated his belief that the traffic study is accurate. He explained that the corridor may be significantly altered in the future, which would trigger a rigorous review of these practices.

Mr. Study shared the ARB's condition stated at the November, 2023 meeting and stated the first eight conditions are concluded in the Staff Report and the final condition is recommended to be tweaked so that it be remanded back for final approval by the BZAP.

Chairperson Behal explained that if the variances pass, there will be a separate decision for a Certificate of Appropriateness.

Ms. Cunningham discussed delegation of authority and the Certificate of Appropriateness.

Mr. Miller stated the variances are needed to move the project forward and they are staged appropriately with the Certificate of Appropriateness.

Brian Hunt, legal counsel for the Alexander Condominium Association, stated that regarding the variances, this is the first meeting in which Continental Real Estate argued that the factors necessary for granting are met, stating this contradicts evidence that has already been produced indicating that they are not appropriate. He further said the variances are necessary at the ARB's request, which he believes is to mitigate the harmful effects of this massive building. He questioned whether the requests are reasonable. He further discussed curb cuts and the Certificate of Appropriateness, as well as various other factors as to why the variances and Certificate of Appropriateness should not be granted. He provided notice that a civil action suit was filed at the Franklin County Court of Common Pleas against Continental Real Estate and Capital University. There is injunctive relief, which Chairperson Behal stated is not enacted quickly.

The easement at The Alexander was discussed. Mr. Hunt could not speak to the frequency, severity, and longevity of harm that would alter the central neighborhood character.

Mr. Miller indicated he and his client were unaware of the injunction and they are entitled to have this Board proceed as they have rights.

Mr. Hunt shared that they have received last minute information and that The Alexander Condominium Association has made it known that the easement is an issue.

Mr. Schick shared his opinion about operating in good faith.

Peggy Henton, 409 S. Parkview, was sworn in and asked about reserved parking spaces and stated she was concerned that someone would rent an apartment and not have a parking space.

Janine Blank, 550 S. Parkview, was sworn in and discussed accessing the garage via the easement and mentioned Giant Eagle access.

Mary Connor, 2170 Bryden, was sworn in and spoke to the increase in population in the area and mentioned title to the property. She asked why the Board can't request that the developer put both parking garages underground and discussed the availability of the Bexley Square parking lot. She also wondered whether the City had discussed the possibility of moving City Hall into the building.

Jeff Loucks, 235 S. Cassady, was sworn in and shared his opinion that granting the variances is an issue and should be declined because there is too much risk and too many unknowns.

Roel Van Spronsen, 530 S. Parkview, was sworn in and stated his belief that all in attendance want the same benefits the project will offer, but the opponents are concerned with the elevation and

mass of the proposal. He discussed the number of stories of the buildings on Main Street and stated this building is disproportionate.

Susan Brekelmans, 235 S. Cassidy, was sworn in and shared she's in favor of increased densification but based on what she's seen, feels like this is a large building with many people, cars, and traffic.

Angela Yock, 2240 Bryden, was sworn in and asked questions regarding Board member consistency, the traffic study, and meeting notice requirements.

Ms. Rose indicated a revised notice was sent out.

Ms. Yock mentioned conflict of interest, the proposed sixth floor, and precedent.

Steve Diamond, 500 S. Parkview, was sworn in and discussed compatibility, balancing interest, preserving character, and community protection.

Bronwyn Fortin, 2201 Bryden, was sworn in and mentioned building height as stated in the Main Street Guidelines, expressed her concern, and discussed parking.

Mary Kendrick, 464 S. Parkview, was sworn in and talked about crosswalks, the turn lane, density, and parking.

Nancy Marzella, 500 S. Parkview, was sworn in and asked about handicapped parking.

Mr. Miller clarified that there will be parking spaces earmarked for residents and there will also be freely available parking. He explained why Bryden Road was not considered as part of the traffic study and gave additional information about parking, including the garage. He referenced the Code section regarding notice and the westerly view.

Mr. Sudy stated there are federal obligations regarding handicapped parking which will be followed and explained how the Bexley Square parking lot relates to this.

Mr. Miller said he would continue engaging with residents, shared his opinion on the benefits of this project, and addressed the variances. He implored the Board to be inclusive and not be afraid of change.

There was discussion as to whether the variances and the Certificate of Appropriateness would be voted on separately or together. Ms. Cunningham stated there should be discussion of the seven factors separately or collectively. She explained the demolition factors usually considered do not apply in this case because this is the Main Street District. However, a permit for demolition can only be issued once new construction plans have been certified to meet the Certificate of Appropriateness.

Chairperson Behal, Ms. Cunningham, and Mr. Miller discussed how the voting process will work regarding the Findings of Fact, motion, and voting.

Mr. Schick thanked Staff and the public and stated that regarding the easement usage, the easement has been used for multi-family residential traffic for many years, and he believes the increase in traffic usage will be incremental and the developer will respect properties and rights. He stated he believes the setback helps buffer impact and discussed the parking and that the parking spillover will help patronize businesses. Furthermore, he said that he believes the building has elevated aesthetics and is compatible in a commercial corridor.

Mr. Levine explained he believes the variance criteria has been satisfied and intends to vote in the positive.

Ms. Dorn discussed the balancing act and considered members of the public who were not in attendance because they are not in opposition to this proposed project. She asked what would happen if this opportunity is bypassed for another developer who does not work with the community. She said she feels it is important to look at parking and traffic studies and some might not be controlled by the applicant. She said she does not feel it is relevant to consider an easement, as she feels it is a civil issue.

Mr. King echoed Mr. Levine's sentiments and believes the variance standards have been met and is in a position to vote yes, as he does not find the variances to be substantial and being that they were sent from the ARB, carries a significant amount of weight. He said he feels this is a good decision and development that will move the city forward.

Mr. Marsh said that while change is painful, it is constant. He said he feels this is a great solution and is what is economically feasible. He thanked the ARB for their work on this building.

Mr. Eshelbrenner stated that he believes the variances regarding the setback and width are in the best interest of the City, and shared that he is putting trust into the ARB recommendations regarding the sixth story.

Chairperson Behal explained he agrees with many of the Board members' comments in that the variance requests are not substantial, and the issues are in the special permit request. He stated he is sensitive to the Alexander residents and said that Capital will sell the property and it will be developed, and there have been pains taken to buffer the situation. His traffic concerns have been reduced. He said he is impressed with the difference in the design and discussed the sixth floor. He did indicate his biggest concerns are the mass of the building and units and the number of people living there, and how this equates. However, he said he finds the traffic studies to be credible. He stated he has concerns but the considerations that the Board is mandated to consider are such that merit a vote of no.



Findings of Fact and Conclusions of Law: For application BZAP-23-23 for property located at 2200 E Main: 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 Sections 1254.10 to allow a 6-story building in the MS District, Bexley Code Section 1254.13(f) to allow a maximum building setback of up to 55' for public-private space, and Bexley Code Section 1254.13(g) to allow the width of the principal building to be up to 75% of the lot width shall be granted with the following conditions:

1. The site shall be developed in substantial conformance with the renderings and plans submitted to the board at the 12/18/23 BZAP meeting.
2. All exterior improvements and modifications shall be in compliance with the Certificate of Appropriateness approved by this Board.

Upon its discussion and consideration of the Motion, the Board identified each of the factors in Bexley City Code Section 1226.11(c) it considered and weighed while making its determination on the proposed area variances finding that the factors in Bexley City Code Section 1226.11(c)(2), (3), (5) and (7), as well as 1226.11(c)(1) were considered and weighed by the board and supported the requested variances. The Board further found there was not sufficient evidence on the factors in Bexley City Code Section 1224(c)(4) or (6) to weigh against the variance.

**Motion to approve the Findings of Fact by Mr. Marsh, second by Mr. Schick; roll call: Marsh–Yes, Schick–Yes, King–Yes, Dorn–Yes, Levine–Yes, Eshelbrenner–Yes, Chairperson Behal–Yes.**

The application to grant three variances with conditions was approved.

That the Board of Zoning and Planning finds after review of the plans and consideration of the application, evidence and testimony given, and the recommendation for approval with conditions of the Architectural Review Board, that the Certificate of Appropriateness should be issued for 2200 E. Main Street, in substantial conformance with the renderings and plans submitted to the Board at its December 18, 2023 meeting subject to the following conditions:

1. The applicant coordinates the final plan for modifications of the Bexley Square parking area with the City of Bexley and the Bexley CIC, including any outcomes resulting from the updated traffic study, and should include added safe pedestrian crossings.
2. The applicant modifies the architecture to be in accordance with the Architectural Review Board recommendations #1 - #8 in the ARB Decision and Record of Action 11/29/23. Those conditions are:  
ARB-1. The applicant returns to the ARB with material boards and samples.  
ARB-2. Headlight screening be added to the parking lots where needed.

ARB-3. The west drive on the site be redesigned to enhance the green space and allow substantial tree planting.

ARB-4. The north and west elevations of the proposed building be reworked to lessen the massing, create better connection to the ground, screen the garage, and use more consistent materials.

ARB-5. The height on the west and north elevations toward the rear of the site be reduced.

ARB-6. The west elevation have more variation in the plane of the facade and the height.

ARB-7. The ARB supports the addition of the sixth story architecturally to allow flexibility in lessening the overall massing of the building.

ARB-8. Outdoor dining adjustments be reviewed by the ARB when a tenant is secured.

3. Changes to the architecture done to accommodate the ARB conditions and updates resulting from any changes to the site plan should be sent to the ARB for review and recommendation.
4. The applicant modifies the landscape plan to be in accordance with the Tree and Public Garden Commission ("T&PG Commission") recommendation #2 in the T&PG Commission Findings of Fact and Record of Decision dated 11/27/23. Those conditions are:

T&PG recommends that the landscape plan be found satisfactory and consistent with the standards applicable to the Main Street District if modified as follows:

  - a. Changing the material around the tree wells on Main St from granite to limestone.
  - b. Applicant will advise whether the City of Columbus will permit a permeable surface in the alley connecting the property to Bryden Road. If it will, the Commission will further study whether a permeable surface is practical and advisable.
  - c. With respect to the access road on the west side of the building:
    - i. A brick threshold will be included adjacent to the sidewalk crossing to differentiate the surface and maintain consistency with the Main Street District.
    - ii. If plantings on either side of the access road on the west side building fail at any time, or if the City Arborist determines that they are failing to grow at rates that will achieve the expected landscaping results, the applicant will present a plan to the Tree and Public Garden Commission to achieve the expected landscaping result.
  - d. With respect to the fence at the rear (north end) the property, pursuant to Bexley Ordinance 1264.05, the fence will be relocated from the location shown in the plans to the property line, and screening relocated to the south (parking lot) side of the fence. The applicant shall present a plan to the Tree and Public Garden Commission for variation in the species included in the screening.
  - e. Applicant will consult with the Tree and Public Garden Commission prior to planting regarding the appropriate groundcover species to plant in the tree boxes contained in the plan.
  - f. In light of the loss of canopy and mature trees within the site, Applicant will make a contribution of \$6,750 (representing \$750 x 9 current trees lost and not replaced in the

plan) to an appropriate fund, to be used solely for the planting of new trees in the City of Bexley as approved by the Tree and Public Garden Commission. This amount may be offset by any new trees the Commission approves for planting in the City Hall/Bexley Square Parking Lot.

g. All plantings shall be maintained in perpetuity absent approval the Tree and Public Garden Commission.

5. Changes to the landscape plan resulting from any changes to the site plan should be sent to the T&PGC for review and recommendation.
6. The applicant collaborates with staff on final design review of the western Main Street curb cut streetscape details to ensure a pedestrian-friendly and aesthetically pleasing result.
7. Bicycle racks are to be provided to meet the code standard, to the satisfaction of staff.
8. A shared parking agreement is submitted to the satisfaction of the BZAP.
9. The final design of the Bexley Square / City Hall parking lot is approved by the CIC and the City of Bexley.
10. Final review of the following elements is not part of this approval and must be later submitted for approval by staff and/or relevant Boards and Commissions: Signage, awnings, exterior building lighting, exterior parking lot lighting, fencing details, and building mechanicals screening details.
11. That the site modifications, design and materials will be in substantial conformance with the renderings and plans submitted at the December 18, 2023, Board of Zoning and Planning meeting unless otherwise modified in collaboration with the BZAP and staff.

The applicant agreed to the proposed findings and the conditions and decision of the Board.

**Motion to approve the request for a Certificate of Appropriateness as recommended by the ARB and including the conditions as stated by Mr. Sudy by Mr. King, second by Mr. Eshelbrenner; roll call: Marsh–Yes, Schick–Yes, King–Yes, Dorn–Yes, Levine–Yes, Eshelbrenner–Yes, Chairperson Behal.**

The Certificate of Appropriateness was granted.

Ms. Rose reiterated that a demolition cannot be issued unless a building permit is approved.

**Motion to approve a demolition of the current structures by Mr. Schick, second by Ms. Dorn; roll call: Marsh–Yes, Schick–Yes, King–Yes, Dorn–Yes, Levine–Yes, Eshelbrenner–Yes, Chairperson Behal.**

## 7) Other Business

## 8) Adjourn

Motion to adjourn by Mr. Schick, second by Mr. King.