

Bexley Board of Zoning and Planning

Planning Staff Report – November 30, 2023



Certificate of Appropriateness and Variances: 2200 E. Main St.

Application #: BZAP-23-23

Location: 2200 E. Main Street

Zoning: Mixed Use Commercial (MUC) District and Main Street (MS) District

Request:

Certificate of appropriateness:

- The applicant is seeking architectural review and approval to allow construction of a 5 and 6-story mixed use structure with integrated parking and associated surface parking.

Variance:

- The applicant is seeking a variance in accordance with Bexley Code Section 1254.10 District Regulations (maximum height of principal building) in the MS District.
- The applicant is seeking a variance in accordance with Bexley Code Section 1254.13 f. (required maximum depth of public space) in the MS District.
- The applicant is seeking a variance in accordance with Bexley Code Section 1254.13 g. (minimum building width along primary frontage) in the MS District.
- The applicant is seeking a variance in accordance with Bexley Code Section 1254.13 ll. Required Spaces (parking) in the MS District.

Applicant: Ryan Pearson

Owner: Continental Real Estate

A. STAFF EVALUATION

The proposal is for a mixed-use structure on one of the larger potential development sites on the Main Street corridor. The site was previously the location of student housing for Trinity Lutheran Seminary and is now utilized as housing for adult students unrelated to Trinity Lutheran.

As anticipated, this has been an iterative review process, with the applicant appearing several times before the ARB as well as the Tree and Public Garden Commission, as well as previous review at the BZAP. Based on input received throughout this process, the application materials today are modified in several ways from the previous conceptual application. This is as anticipated and reflects positive impacts of the iterative review process.

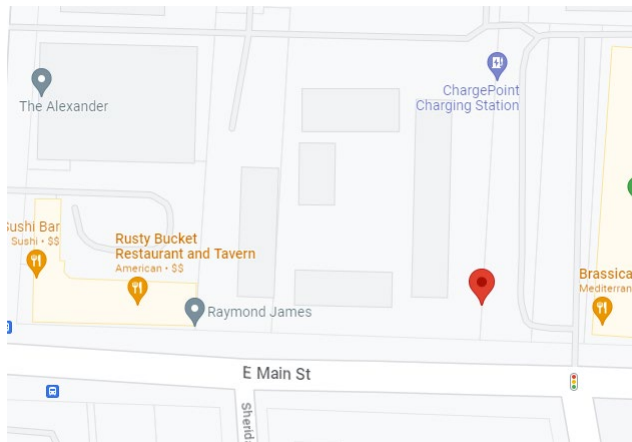
Context for this development within the larger city land use strategy is provide by the Bexley Development Director - in totality, the proposed project is aligned with adopted and active strategic plans of the City. Among them:

- The proposed mixed-use project provides higher density development that expands Bexley's tax base on a currently tax-exempt parcel, attracts new businesses to the community, and attracts new residents to the community (*Bexley Strategic Plan, p. 18*)
- The proposed project activates formerly non-activated, institutional space and advances the concept of a "double-loaded" Main Street (*Land Use Strategy, p. C.7*)
- The proposed public parking structure provides opportunity for shared parking in one of the most active areas of Main Street (*Land Use Strategy, p. C.5; Bexley Strategic Plan, p. 25; Southwest Bexley Framework, p. 29*); the structured parking is expected to be especially beneficial to the City Hall and Bexley Square parking climate, which has peak parking demand which is generally complementary to the parking demand associated with the proposed development's apartment residential and restaurant uses.
- With its proposed unit mix, the project would attract a wide variety of empty-nester and young professional residents, in keeping with the Southwest Bexley Framework's Main Street recommendations to "add uses that serve multi-generational needs, activate the street level, and provide community placemaking opportunities." (*p. 29*)
- The proposed medical office space fulfills a long-standing goal to attract "modern medical office space" to the City (*Bexley Strategic Plan, p. 24*)
- The City is constantly fielding inquiries for retail spaces exceeding 1,500 SF in area. This proposal would provide much needed larger format restaurant and retail opportunities to the community.
- In the community surveys conducted as part of the Bexley Strategic Plan 2023 Update process, one of the more common sentiments expressed was a desire for the city to more proactively encourage and allow new "commercial opportunities" on Main Street.

The City of Bexley administration is supportive of the proposed development, subject to appropriate review by Bexley's boards and commissions to ensure architectural integrity and a high quality of natural and built environments throughout. We believe that the diversification of housing options and the expansion of commercial offerings provided by the proposed project will benefit the Bexley community and is in harmony with the active, formally adopted plans and strategies of the City of Bexley.

Staff finds that the application is largely in conformance with the Main Street District (MS) Design Standards 1154.13, with the exception of three minor adjustments for which variances would be required and have been requested. All three are directly or indirectly related to requests from the ARB during the design review process. The application also meets the District Regulations 1154.10 for the MS District, with the exception of maximum height of a principal building for which a variance would be required and has been requested. The BZAP will consider the variance requests based on the review criteria (*1226.11(c)*) cited below in this report.

Should the BZAP find that the variances are appropriate and should be granted, staff recommends approval with the conditions included at the end of this report.



B. BACKGROUND

The site is located on the north side of East Main Street, between the Bexley Gateway development and Bexley Square. The site has been used for housing for a considerable amount of time, with attached unit buildings on the site. At one time this was primarily student housing for the Trinity Lutheran Seminary.

The existing buildings on the site are unremarkable and lack historical or

architectural significance. While there are some sidewalk entries from the south, the siting of the structures does not address Main Street, instead being oriented around a central open area that functions as private open space. There are a number of mature trees throughout the site and a compensatory approach to dealing with the loss of those trees has been outlined as a result of the Board review process.

Zoning: The project is located in the Mixed Use Commercial District (MUC) (1254.03) and the Main Street District (MS) (1254.06).

C. CONSIDERATIONS

As a Main Street mixed-use development proposal, application review includes a host of considerations. The following are the primary issues related to BZAP review.

Site Impacts

The proposed building establishes an activated mixed-use building along Main Street, with internal parking to the rear of the building on lower floors, as well as a surface parking lot at the rear of the site. The Main Street (MS) District site development regulations apply to this site and a preliminary assessment of the proposal with regard to those requirements is provided in the table below. As in all Main Street mixed-use development, some key site elements should be considered by the BZAP, including:

- The manner in which the building addresses the Main Street corridor and how public space is provided along that corridor.
- The location and size of public spaces.
- Overall considerations regarding building massing.
- Site access for passenger and service/delivery vehicles, transit users, as well as pedestrians and bicyclists. Impacts of site access on the adjacent street and sidewalk network and linkages to the greater mobility network.
- The interface with adjacent properties, particularly the single family to the north regarding screening for the parking area.

Site Access

Based on the iterative review process taken place with the Boards and Commissions over the past several months, the applicant has modified the access points for the site from the earlier application as follows:

- Limiting the cross-access to the Bexley Square lot to the east and making access to Bryden limited to pedestrians and bicyclists. Staff would have preferred the cross access to the Bexley Square lot to remain, in keeping with the recommendations of the Main Street Guidelines, but will acquiesce based on legal restrictions in place as part of prior access agreements to neighboring properties.
- Staff supports the change of removing vehicular access to Bryden, as that outlet supported a very minor amount of potential vehicular traffic according to the traffic study, and alternate transportation modes and emergency vehicles still have access via that route.
- Access to the building's interior parking areas from the Bexley Square Parking area has been expanded and designed to avoid a linear access point through the building.

The applicant has updated the traffic study which outlines the operation of the site from a vehicular standpoint. Based on internal third-party review by a traffic engineering consultant, staff agrees with the overall findings of the report with the following comments:

- Verify internal trip generation capture numbers for AM versus PM.
- Consider using system peak hours instead of true peak hour volumes.
- Verify the counts at the Main St / College intersection (variation likely due to slip right turn).
- Include calculations regarding the northbound left turn at Main St / College.
- Peak Hour Factors (PHFs) are on higher side, but within reasonable range.
- Confirm cycle length calculations for Main St / Parkview regarding 60s versus 90s and potential impact on turn lane lengths.
- Describe process related to signal timings and signal optimization, if needed.
- Verify that Synchro analysis considered lane usage related to parking restrictions.

Other site access considerations include:

- The applicant is proposing to redesign and incorporate the city parking area for Bexley Square into the overall approach. This will be in collaboration with providing additional public overflow parking onto the development site for parking spaces located within the structure. The city and the CIC preliminarily support this approach, and both will need to formally approve the final site configuration.
- The general approach to Main Street is to highly limit curb-cuts along the Main Street frontage. Following this direction while accommodating the vehicular access points, the site plan indicates closing the right-turn only lane from the Bexley Square parking area in favor of a right-in-right-out curb cut at the eastern end of the site. The City has proactively encouraged removal of the Bexley Square right-turn lane to achieve the long-held goals of expanding the public space and reducing pedestrian/vehicle conflicts at that point. Creating an access point at the west of the site helps to allow primary site access from Main Street including for delivery truck access to the restaurant/retail

spaces. Final design review of the western curb-cut streetscape details will be needed to ensure a pedestrian-friendly and aesthetically pleasing result.

- Parking in the MS District is always a balancing act, with recent projects striving to provide a quantity of parking to ensure successful operation, without burdening the corridor with an auto-dominated development pattern. The current proposal includes 315 parking spaces which is a substantial number, though slightly fewer than our code currently requires. Further details are provided in the section D: Variance Considerations.

Main Street District (MS) District Design Standards

The proposed development meets the standards of applicability for review under this section (1254.13(a) through (d)). The application has been evaluated according to the applicable design standards as follows:

MS District Design Standards		Met / Not Met
	(e) A principal building shall be oriented to address and be nearly parallel to a primary street. Nearly parallel means within 15 degrees of being parallel.	Met
	(f) The minimum building setback along public rights-of-way is zero (0) feet and the maximum building setback is ten (10) feet, except where a Public-Private Setback Zone is provided. Where a Public-Private Setback Zone is provided, a maximum setback of twenty (20) feet is permitted for up to 50% of the building frontage, provided that a major portion of such setback shall be used to create outdoor pedestrian spaces and landscape features.	Not met (see variance considerations)
	(g) The width of a principal building along a primary building frontage shall be a minimum of sixty (80) percent of the lot width.	Not met (see variance considerations)
	(h) A principal building shall have its main front door facing and directly accessed from Main Street.	Met
	(i) A principal building shall have four-sided architecture utilizing consistent design and materials on each side.	Met
	(j) A building frontage that exceeds a width of 50 feet shall include vertical piers or other vertical visual elements to break the plane of the building frontage. The vertical piers or vertical elements shall be spaced at intervals of 15 feet to 35 feet along the entire building frontage. The use of windows and design features shall be used to break up large expanses of building walls on all exposed sides of a building.	Met
	(k) For a primary building frontage of a commercial use, a minimum of 60 percent of the area between the height of two feet and ten feet above grade shall be in clear window glass that permits a full, unobstructed view of the interior to a depth of at least four feet. For the secondary building frontage, the pattern of window glass shall continue from the primary building frontage a minimum distance of ten feet.	Met
	(l) For any new installation or replacement of upper story windows, the new/replacement windows must be clear/non-tinted glass.	Met
	(m) At least 30% of the second and third floor building frontages (as measured from floor to ceiling) must be window glass. This requirement may be waived if historic documentation (e.g. historic photos) from	Met

	when the building was first constructed can be provided that shows a different percentage of window glass was used on the second and third floor building frontages. In such cases, the historic percentage must be maintained.	
	(n) All roof-mounted mechanical equipment shall be screened from public view to the height of the equipment. The design, colors and materials used in screening shall be architecturally compatible with the rooftop and the aesthetic character of the building.	TBD
	(o) No outdoor vending machines shall be located as to be visible from Main Street or any side street	Met
	(p) Backlit awnings are not permitted.	TBD
	(q) Sidewalks are required along all public streets. Sidewalks shall be clear of obstructions and align with adjacent sidewalks.	Met
	(r) The recommended minimum width of public sidewalks on Main Street is eight feet (8'), however protrusions into the public right-of-way and sidewalks for outdoor pedestrian seating and other landscape features are encouraged, provided that a minimum clear sidewalk width of six feet (6') is maintained.	Met
	(s) Landscape plantings, features, and pedestrian amenities shall be developed to create and accent pedestrian areas, and to soften the use of hardscape within the pedestrian zone.	Met
	(t) Street trees shall be required along all street frontages. The minimum number of shade trees required is determined by the formula of one tree per 30 lineal feet, or fraction thereof, of frontage.	Met
	(u) At the time of planting a new shade tree shall have a minimum 2.5 inch caliper trunk and new shrubs for screening shall have a minimum height of 24 inches, and be maintained at that height or greater.	TBD
	(v) In areas without a grass tree lawn, a 2' brick accent strip shall be installed adjacent to the curb line.	Met
	(w) For all street tree planting beds, a minimum exposed space of 60 square feet shall be provided and edged in granite curbing.	Met
	(x) Landscape plantings shall be developed to break up expanses of pavement within off-street parking areas.	Met
	(y) All such landscape plantings and features shall be properly maintained, weeded, and watered, and any loss of plant materials shall be replaced in keeping with the approved landscape plan, or within minor modification to the landscape plan according to City Staff approval. The installation and operation of an irrigation system may be required for any planting area. In such cases, the irrigation system must remain operable.	TBD
	(z) The use of landscape features such as pedestrian furniture, decorative railings, tree guards, trash receptacles, bollards and similar such accessories shall reference the Main Street Design Guidelines.	Met
	(aa) A fence shall be provided along a lot line that borders a residentially zoned or used property at a height of 8 feet, as per the requirements in Section <u>1264.05</u> .	Met
	(bb) A surface parking lot or vehicular circulation area shall be screened from all abutting public streets with a minimum 4-foot solid masonry or stone wall; or a minimum 4-foot decorative metal tube or solid metal bar fence (excluding chain link, wire mesh or other similar material), with a minimum 3-foot wide landscaped area along the parking lot side of the	n/a

	fence.	
	(cc) Landscaping is needed for surface parking lots in order to further screen parking from the view of public rights-of-way, provide mitigation for stormwater through reducing, slowing and cooling runoff, and to create visual relief from large pavement areas. This landscaping might be in well-designed border plantings that frame the lot or within landscape beds large enough to sustain plant growth.	Met
	(dd) Dumpsters shall be located behind the principal building and be screened from public view on all 4 sides, to the height of the dumpster.	Met
	(ee) Ground-mounted mechanical equipment shall be located behind the principal building and be screened from public view. Materials and design for ground-mounted screening shall be a masonry wall one foot taller than the utility/mechanical unit it screens and be compatible with the building materials and architectural design.	TBD
	(ff) The height of any parking lot light pole/fixture shall not exceed 18 feet above grade.	TBD
	(gg) When located within 25 feet of a residential district the height of a light fixture shall not exceed 14 feet above grade.	TBD
	(hh) All lighting must use cut-off type fixtures, to limit glare, and avoid directing light onto neighboring property, streets, or toward the night sky.	TBD
	(ii) Paved areas for vehicular use, including parking, stacking and circulation aisles are not permitted between the principal building and a street right-of-way line. This standard does not apply to existing buildings unless they are expanded by fifty (50) percent or more in gross floor area.	Met
	(jj) Additional curb cuts are not permitted	Met
	(kk) The maximum number of off-street parking spaces shall be one stall per 200 square feet of net floor area (5 per 1000), except for institutional uses.	Met
	(ll) Minimum parking ratios are as established in the code.	Not met (see variance considerations)

Mixed Use District (MUC) District Design Standards

While this site is in the MUC District, it is subject to the standards of the MS District overlay which cover and extend the MUC standards.

Board Recommendations

Architectural Review Board: The ARB Decision and Record of Action from the November 29, 2023, meeting has been uploaded along with this staff report in the application information. The ARB recommended approval with conditions – nine in total. The ARB has provided significant feedback to the applicant over a series of meetings. As a result, there have been a number of changes to the architecture since the original submittal. The first through eighth conditions have been incorporated into the conditions in section F. Staff Recommendation. The ninth condition requests approval of any architecture changes by the ARB. As a recommending body, review of further changes by the ARB is proposed here.

Tree & Public Garden Commission: The Findings of Fact document from the TP&G November 27, 2023, meeting has been uploaded along with this staff report in the application information. The T&PG recommended approval with conditions – five in total. The first and second conditions have been incorporated into the conditions in section F. Staff Recommendation. The third condition refers to a special permit request for additional stories, which is no longer part of this application. The current request is for a variance regarding the building height, so the BZAP is required to evaluate that request based on the variance criteria in the code and described in section D. Variance Considerations. The fourth condition recommends that another variance is considered that has not been requested by the applicant. The BZAP can only consider variances requested by the applicant, so that issue cannot be resolved through application of this suggested condition. The fifth condition requests approval of any landscape changes by the T&PG Commission. As a recommending body, review of further changes by the T&PG Commission is proposed here.

D. VARIANCE CONSIDERATIONS

The proposed plan requires four variances: building height, public-private space setback, building width at the primary frontage, and parking. It is of note that the first three variances are directly related to ARB requests during the design review process. Each will be evaluated by the BZAP based on the variance criteria established in the zoning code. Having a limited number of variance requests such as this is typical for a mixed-use Main Street corridor project due to the complexity of this type of infill development.

Further information regarding each variance request is included below.

- Building Height: The applicant requests a variance to allow portions of the building to be 6 stories. This exceeds the limit of 3 stories (*1254.10 District Regulations*) and the 5 stories Special Permit (*1254.14 Main Street District Special Permits*) which the applicant initially proposed. The shift to having a portion of the building be 6 stories was in response to ARB comments that a portion of the building closer to Main Street could be an appropriate location for the added story, in order to gain some added buffering area on the site.
- Public-Private Setback: The applicant requests a variance to allow the building entry courtyard to be set back to approximately 50 feet at the deepest area. This exceeds the maximum of 20 feet. (*1254.13 f. Main Street District (MS) Design Standards*). The addition of the courtyard at this depth was in response to ARB comments about creating a more distinct entry and adding additional public-private space to the frontage.
- Building Frontage: The applicant requests a variance to allow the width of the principal building along the primary frontage to be approximately 75% of the lot width. This is less than the 80% required. (*1254.13 g. Main Street District (MS) Design Standards*). The building width was slightly reduced from the initial application in response to ARB comments regarding the gain of some added buffering area on the site.

- Parking: The applicant requests a parking variance to allow 317 spaces. This is less than the 328 spaces required (*1254.13 II. Main Street District (MS) Design Standards*). The parking calculations table is included at the end of this report for reference. The ability to provide over 300 spaces in the Main Street mixed-use corridor is an unusual positive and the overflow access for public use from the Bexley Square lot should be considered in the BZAP review of the variance request.

Variance Criteria

Under the code, the following section establishes the framework for consideration of variance requests:

From (1226.11(b): On a particular property extraordinary circumstances may exist, making a strict enforcement of the applicable requirements of this Code unreasonable, and therefore, the variance procedure is provided to allow the flexibility necessary to adapt to changed or unusual conditions that meet the standards of review for variances. In granting any variance, the BZAP or City Council shall prescribe appropriate conditions and safeguards to maintain the intent and spirit of the zoning district in conformity with the Zoning Code.

From (1226.11(c): BZAP and City Council shall only approve a request for an area (non-use) variance in cases where the evidence demonstrates that the literal enforcement of this Code will result in practical difficulty and the granting of a variance complies with the purpose and intent of this Code. The following factors shall be considered and weighed by the Board when making a determination upon any (non-use) variance by a preponderance of the evidence:

Area (Non Use) Variance Criteria	
1)	Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance.
2)	Whether the variance is substantial.
3)	Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance.
4)	Whether the variance would adversely affect the delivery of governmental services (<i>e.g.</i> , water, sewer, garbage);
5)	Whether the property owner purchased the property with knowledge of the zoning restriction
6)	Whether the property owner's predicament feasibly can be obviated through some method other than a variance
7)	Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance

F. STAFF RECOMMENDATION

Staff finds the application to be largely in conformance with the Main Street Design Standards and the overall zoning requirements. The Board of Zoning and Planning will have to determine the appropriateness of the variance requests based on the information provided by the applicant. Should the BZAP choose to act on the certificate of appropriateness request, staff recommends 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.

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.
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 T&PG Commission recommendation #2 in the T&PG Commission Findings of Fact and Record of Decision dated 11/27/23.
5. Changes to the landscape plan resulting from any changes to the site plan should be sent to the T&PG 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 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. 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.
10. That the site modifications, design and materials will be in substantial conformance with the renderings and plans submitted at the November 30, 2023, Board of Zoning and Planning meeting unless otherwise modified in collaboration with the BZAP and staff.

Trinity site parking calc

REQUIREMENTS

use	quantity	requirement	total	code
retail	5,050 s.f.	3	15.15	1254.13 ll.
restaurant	6,100 s.f.	4	24.40	1254.13 ll.
office	12,500 s.f.	2.5	31.25	1254.13 ll.
residential units	252 units	1.5	378.00	1254.13 ll.

REQ TOTAL 448.80

CREDITS

on-street	12 spaces	-0.5	(6.00)	1254.13 mm.
cross access	1 access	-2	(2.00)	1254.13 nn.
30% shared - primary use	75.60 units	-1.5	(113.40)	1254.13 pp.

CRED TOTAL (121.40)

TOTAL 327.40