



## Bexley Board of Zoning and Planning Planning Staff Report – March 27, 2025

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### **Conditional Use Permit, Variance, and Certificate of Appropriateness: 2300 E. Livingston Avenue**

**Application #:** BZAP-24-49

**Location:** 2300 E. Livingston Avenue

**Zoning:** Mixed Use Commercial (MUC) District and Livingston Avenue (LA) District

**Request:**

Conditional Use Permit:

- The applicant is seeking a conditional use permit per Bexley code section 1254.09 to permit first floor residential use within a new multi-family building in a Mixed Use Commercial District. **UPDATE: Approved by BZAP at their January 23, 2025, meeting (see Section D. Additional Comments for approval language)**

Variance:

- The applicant is seeking a variance to waive the fence requirement per Bexley Code section 1264.05, to allow less height at the eastern portion of the fence. **UPDATE: Approved by BZAP at their January 23, 2025, meeting (see Section D. Additional Comments for approval language)**

Certificate of Appropriateness:

- The applicant is seeking site plan and architectural review and approval to allow a 3-story residential structure.
- The applicant is seeking approval to allow demolition approval for the existing structure.

**Applicant:** Bill Downing

**Owner:** Bexley Apartments LLC

#### **A. STAFF RECOMMENDATION**

Staff recommends approval a Certificate of Appropriateness base on conformance with the Livingston Avenue District (LA) Design Standards (1254.12).

Staff supports the Architectural Review Board, which recommended approval of the Certificate of Appropriateness.

Should the BZAP choose to act on the Certificate of Appropriateness request, staff recommends conditions of approval as listed at the conclusion of this report.

## B. BACKGROUND



The site is located on the northwest corner of E. Livingston Avenue and Francis Avenue.

**Zoning:** The project is located in the Mixed Use Commercial District (MUC) (1254.03) and the Livingston Avenue District (LA) (1254.05).

## C. CONSIDERATIONS

### Plan Conformance

The City of Bexley adopted a Diversity Equity & Inclusion Strategy on August 11, 2020, as an amendment to the Bexley Strategic Plan. One of the primary goals of the plan is:

#### ***Goal #3: Create an Inclusive Greater Bexley Community***

*Form an open and welcoming Bexley. Work to combat racism and discrimination in the City. Engage people and circumstances with fairness, justice, impartiality, honesty, balance, compassion, decency, reasonableness, and an open mind.*

Each goal includes specific action items, and the one most directly related to this application is:

#### ***Goal Three Action Items***

*2. Continue to encourage the CIC in their efforts to identify affordable housing opportunities for people with low incomes as part of new development (including but not limited to rezoning and rehabbing current and future building and projects) as well as on its own.*

The project is also in conformance with several other plans and project initiatives for the area, described later in this report.

### Site Impacts

The proposed building location is properly sited to meet the intent of planning and the code standards for redevelopment along the Livingston Avenue corridor. This includes how the building establishes proper street frontage, that a walkable and aesthetically appealing streetscape is created, and that parking is located to the rear of the building. The Livingston Avenue (LA) District site development regulations apply to this site and an assessment of the proposal with regard to those requirements is provided in the table below. As in all Livingston Avenue development, some key site elements should be considered by the BZAP, including:

- The manner in which the building addresses the Livingston Avenue corridor and how public space is provided along that corridor.
- Overall considerations regarding building massing.
- Site access for passenger and service 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.

Staff has determined that the proposed site plan is highly in conformance to the site planning standards established in the LA District

**Site Access**

A significant positive aspect of the site plan is the removal of two existing curb cuts on Livingston Avenue. This increases safety on Livingston Avenue and improves the ability to create a continuous pedestrian facility as part of the upcoming Livingston Avenue streetscape project.

**Livingston Avenue District (LA) Design Standards**

The proposed development meets the standards of applicability for review under this section (1254.12(a) through (d)). The application has been evaluated according to the applicable design standards as follows:

| LA 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 eighteen (18) feet from the curb. The maximum building setback is thirty (30) feet from the curb, except where a Public-Private Setback Zone is provided. Where a Public-Private Setback Zone is provided, a maximum setback of forty (40) feet from the curb 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. | Met                        |
| (g)                          | The width of a principal building along a primary building frontage shall be a minimum of eighty (80) percent of the lot width. For those properties with a conditional use for a drive-thru, BZAP may permit the drive-thru width to count toward this minimum primary building frontage requirement as a condition of the use.  | Met                        |
| (h)                          | A principal building shall have its main front door facing and directly accessed from Livingston Avenue. This can include placement of the door at the corner of the building frontage and angled to address both Livingston Avenue and the side street or an adjacent area of the site.  | Met                        |
| (i)                          | A principal building shall have four-sided architecture utilizing consistent design and materials on each side.   | UPDATE:<br>Approved by ARB |
| (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   | UPDATE:<br>Approved by ARB |

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|     | 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.   |  |
| (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.                  | N/A  |
| (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 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. | UPDATE:<br>Approved by ARB   |
| (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.  | To be clarified by applicant   |
| (o) | No outdoor vending machines shall be located as to be visible from Livingston Avenue or any side street.   | Met  |
| (p) | Backlit awnings are not permitted.   | Met  |
| (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 Livingston Avenue is twelve feet (12'), 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 eight feet (8') is maintained.   | UPDATE:<br>Applicant adjusting plans to match updated design for Livingston Avenue roadway project |
| (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.   | UPDATE:<br>Approved by T+PG  |
| (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.   | UPDATE:<br>Approved by T+PG  |
| (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.   | UPDATE:<br>Approved by T+PG  |
| (v) | In areas without a grass tree lawn, a 2' brick accent strip shall be installed adjacent to the curb line.  | UPDATE:<br>Applicant adjusting plans to match design for Livingston Avenue streetscape project     |

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|  | <p>(w) For all street tree planting beds, a 6' wide tree well with a minimum exposed space of 60 square feet shall be provided and edged in limestone curbing.</p>   | <p>UPDATE:<br/>Applicant adjusting plans to match design for Livingston Avenue streetscape project</p> |
|  | <p>(x) Landscape plantings shall be developed to break up expanses of pavement within off-street parking areas.</p>  | <p>UPDATE:<br/>Approved by T+PG</p>  |
|  | <p>(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.</p> | <p>UPDATE:<br/>Approved by T+PG</p>  |
|  | <p>(z) The use of landscape features such as pedestrian furniture, decorative railings, tree guards, trash receptacles, bollards and similar such accessories shall reference the Joint Livingston Avenue Plan.</p>  | <p>UPDATE:<br/>Approved by T+PG</p>  |
|  | <p>(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 1264.05.</p>  | <p>UPDATE: Variance granted</p>  |
|  | <p>(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 fence.</p>  | <p>UPDATE:<br/>Approved by T+PG</p>  |
|  | <p>(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.</p>                            | <p>UPDATE:<br/>Approved by T+PG</p>  |
|  | <p>(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.</p>   | <p>Met</p>   |
|  | <p>(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.</p>   | <p>To be clarified by applicant</p>  |
|  | <p>(ff) The height of any parking lot light pole/fixture shall not exceed 18 feet above grade.</p>   | <p>No pole lighting in parking area indicated – to be clarified by applicant</p>                       |
|  | <p>(gg) When located within 25 feet of a residential district the height of a light fixture shall not exceed 14 feet above grade.</p>  | <p>No pole lighting in parking area indicated – to be clarified by</p>                                 |

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|--|--|------------------------------|
|  |  | applicant                    |
|  | (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.   | To be clarified by applicant |
|  | (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.  | Met                          |

**Parking**

In the Mixed Use Commercial (MUC) District, the parking requirements are determined per code section (1262.02). Calculations provided below:

| Parking standards        | Required for 2300 Livingston proposal |
|--------------------------|---------------------------------------|
| Residential: 1 per unit  | 27 spaces                             |
| <b>TOTAL REQUIRED:</b>   | <b>27 spaces</b>                      |
| <b>ON-SITE PROVIDED:</b> | <b>27 spaces</b>                      |

The applicant has provided 27 off-street parking spaces, including two handicap accessible spaces. This meets the code parking requirement for the site.

**D. ADDITIONAL COMMENTS**

**UPDATE: Architectural Review Board Recommendation**

The ARB reviewed the application at their March 13, 2025, meeting. The ARB Decision and Record of Action regarding this application states:

- *That the Architectural Review Board recommends approval of a Certificate of Appropriateness to demolish the existing structure and build a new 3 story residential multi-family structure, noting that the applicant has agreed to include landscape/security features as part of the fence design. Any changes to the design will be reviewed by the City’s Design consultant.*

*The applicant, Bill Downing, agreed to the findings of fact and decision of the Board*

**UPDATE: Tree & Public Garden Commission Recommendation**

The Tree & Public Garden Commission reviewed the application at their March 26, 2025, meeting. The T&PGC Decision and Record of Action regarding this application states:

- *Based upon the testimony presented, the Tree & Public Garden Commission finds it appropriate to approve the landscape application with the following conditions:*
  - *The proposed 3” caliper trees be watered regularly so that they may survive and thrive, and proper irrigation of all plant material.*
  - *Ilex vomitoria “Schillings” (Holly species) replaced with a compacted inkberry.*
  - *Vinca Minor plantings be revisited when the applicant returns to present the benches and landscape furniture.*
  - *Replace the Virginia creeper with a more suitable plant for the south side such as non-invasive honeysuckle.*
  - *Appropriate benches and landscape fixtures be submitted per the Mixed-Use Commercial Design guidelines and be brought back to the commission at a later time.*

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

**UPDATE: Board of Zoning and Planning - Previous Action**

The Board of Zoning and Planning reviewed the application their January 23, 2025, meeting. The BZAP Decision and Record of Action regarding this application states:

- *Based upon the testimony presented, the Board of Zoning and Planning finds it appropriate to grant the conditional use permit per Bexley Code section 1254.09 to permit first floor residential use within a new multi-family building in a Mixed-Use Commercial District with the following condition:*
  - *The streetscape frontage will be to the satisfaction of staff with the intent to be in conformance with the selected design for the Livingston Avenue streetscape project.*

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

- *Based upon the testimony presented, the Board of Zoning and Planning finds it appropriate to grant a height variance from Bexley Code section 1264.05 to allow the required property fence to step down in height as it approaches Francis Ave. with the following*
  - *The applicant returns to the ARB to receive design approval of the fence details*
  - *The site modifications, design and materials will be in substantial conformance with the renderings and plans submitted at the January 23, 2025, Board of Zoning and Planning meeting unless otherwise modified in collaboration with the ARB and staff.*

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



### **Consistency with the Goals and Policies of Adopted City of Bexley Plans**

Livingston Avenue is predominantly residential to the east of this site throughout Bexley, consistent with adopted plans. The **2013 Bexley Strategic Plan** calls for redevelopment of this portion of Livingston Avenue as well as long-term affordable housing options within Bexley. The **2017 Southwest Bexley Strategic Framework** specifically cites the need for affordable housing in the area and references the need to create new affordable housing in advance of significant changes to Mayfield/Ferndale. The plan does advocate for active commercial uses on the first floor of the Livingston Corridor; however, it also designates for this site to be residential use. The **2020 Diversity Equity & Inclusion Strategy** calls for affordable housing opportunities for people with low incomes as part of new development. This includes a recommendation including but not limited to rezoning.

### **Livingston Avenue Corridor Streetscape**

The **2022 Joint Livingston Avenue Plan** establishes a vision for the corridor that is focused on creating a walkable streetscape and development environment. The plan includes detailed recommendations for sidewalks, separated multi-use trails and site development approaches to increase safety, urban character, and overall aesthetics of the corridor. Funds have been dedicated to complete a full reconstruction of the **Livingston Avenue Streetscape** from the Alum Creek Bridge on the west, to S. Kellner Road on the east. That project is currently in the detailed design phase with construction anticipated in the next several years. Project goals are to meet the recommendations of the Joint Livingston Avenue Plan as well as possible, and preliminary designs include creating a wide urban sidewalk area for portions within MUC District on Livingston and a 10' continuous shared use path (SUP) along the remainder of the north side of the roadway. A 10' continuous SUP is also the likely design for the south side of the street. **UPDATE: Preliminary design review and updated project budget has been completed by Columbus/Bexley. Project remains on track as described above.**

### **E. RECOMMENDED CONDITIONS**

Should the Board of Zoning and Planning choose to act on the certificate of appropriateness request, staff recommends the following conditions:

1. The streetscape frontage be in conformance with the selected design for the Livingston Avenue streetscape project.
2. That the site modifications, design and materials will be in substantial conformance with the renderings and plans submitted at the March 27, 2025, Board of Zoning and Planning meeting unless otherwise modified in collaboration with the ARB and staff.