



## Bexley Board of Zoning and Planning Planning Staff Report – February 25, 2021

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### Conditional Use and Certificate of Appropriateness: 2300 E. Livingston Avenue

**Application #:** BZAP-20-48

**Location:** 2300 E. Livingston Avenue

**Zoning:** Commercial Services District (CS)

**Request:**

Conditional use approvals:

- The applicant is seeking conditional use approvals in the Commercial Service District, to allow residential use on the first floor of this 3-story structure and to allow residential use above the first floor of this 3-story structure.

Certificate of appropriateness:

- The applicant is seeking architectural review and approval to allow a 3-story structure with a residential use on the first, 2nd and 3rd floors. Demolition approval for the existing structure.

**Applicant:** Community Builders

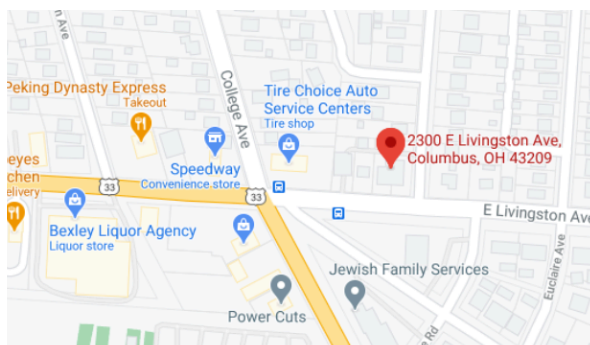
**Owner:** Sally Woodyard

#### A. STAFF RECOMMENDATION

Staff recommends approval of the conditional use approval as per the review criteria (1226.12), and a certificate of appropriateness for architectural review as per the design standards in a CS District (1254.12). This application was heard by the Architectural Review Board, which recommended a certificate of appropriateness with conditions.

Should the BZAP choose to act on the conditional use approvals and 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 Commercial Services District (CS) (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.*

### Site Impacts

The site design is appropriate for a mixed-use corridor, with the building sited adjacent to the roadway and parking located to the rear. The Commercial Services (CS) District site development regulations and design standards have largely been met.

### Commercial Service (CS) District Site Development Regulations

The CS district regulations (1154.10) are as follows:

#### Lot Requirements

- The lot size is 32,250 square feet, in excess of the minimum requirement of 10,000 square feet: standard is met.
- The lot width is 210 feet, in excess of the minimum requirement of 100 feet: standard is met.

#### Setbacks

- The front setback is 10 feet, within the required range of 10-20 feet: standard is met.
- The rear setback is 57 feet, in excess of the minimum requirement of 25 feet: standard is met.
- There is no side yard setback requirement in this district. For the information of the BZAP, the side yard setback on the line is 10 feet on both sides, with the eastern lot abutting the right-of-way due to the position as a corner site.

#### Height

- The proposed structure is 3 stories and 34' 7" in height. The code allows 3 stories and a maximum height of 45': standard is met (1154.10).

**Commercial Service (CS) District Design Standards**

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

CS District Design Standards	Met / Not Met
(f) 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
(g) The width of a principal building along a primary building frontage shall be a minimum of sixty (60) percent of the lot width.	Met
(h) A primary building frontage shall incorporate a primary entrance door	Met
(i) 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	Generally met
(j) For a primary building frontage of a commercial use, a minimum of 40 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
(k) Any drive-thru, pickup window, or canopy shall be attached to the principal building and be located behind or to the side of the building.	n/a
(l) 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 determined
(m) A minimum 8-foot front yard landscape area shall be established, as measured from the north right-of-way line of Livingston Avenue. The front yard shall be planted with live vegetation and a shade tree(s) (in addition to any street tree requirements), except for paved areas expressly designed for vehicular and pedestrian use. The minimum number of shade trees required is determined by the formula of one tree per 30 lineal feet, or fraction thereof, of frontage.	Generally met – further review needed by T+PG
(n) At the time of planting a new shade tree shall have a minimum two-inch caliper trunk and new shrubs for screening shall have a minimum height of 24-inches, and be maintained at that height or greater.	To be determined – further review needed by T+PG
(o) 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.	To be determined – further review needed by T+PG
(p) 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.	To be determined – further review needed by T+PG
(q) 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.	Met – fence details needed

(r)	A surface parking lot or vehicular circulation area shall be screened from all abutting public streets with a wall or fence (excluding chain link, wire mesh or other similar material), or a continuous row of shrubs to a minimum height of 36 inches (24 inches at time of planting) and a maximum height of five feet. Screening shall be maintained to provide opacity of not less than 75 percent when in leaf.	Met – fence details needed
(s)	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 – enclosure details needed
(t)	Ground-mounted mechanical equipment shall be located behind the principal building and be screened from public view to the height of the equipment	Met
(u)	The height of any parking lot light pole/fixture shall not exceed 18 feet above grade.	Met
(v)	When located within 25 feet of a residential district the height of a light fixture shall not exceed 14 feet above grade.	Met
(w)	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

**Parking**

The Commercial Services (CS) District has had a unique role in the city of Bexley, serving as a transition from residential single-family areas to the auto-oriented commercial uses adjacent to the I-70 access ramps. The result was a series of more auto-oriented businesses to the west, that gradually transition to less auto-intensive commercial uses to the east.

This requested use further promotes that transition by proposing a multi-story residential use on the site of previous commercial use at the end of that commercial district. The result is, if granted as a conditional use, residential in a district that doesn't expressly have parking standards for residential in a mixed-use corridor setting. As is typical, this requires a look to other comparable sections of the code for guidance. As such, the standard for Mixed Use Commercial seems the most applicable to determine the appropriate zoning requirement for parking and be reasonably applied to this evolving mixed-use corridor. The requirement for residential in the MUC District is 1 space per unit (1262.02) which results in a requirement of 27 parking spaces for this proposed 27-unit development project. The site plan provides 30 spaces, in excess of the requirement.

**Conditional Use Criteria**

Under the code, the following establishes the framework for consideration of conditional use requests:

From (1226.12(b): The Board of Zoning and Planning shall have the power to approve applications for Conditional Uses specified in Chapters 1252 and 1254. The proposed use shall be approved if, and only if, it meets the intent of this Zoning Code and the intent of the zoning district in which the property is located, fits harmoniously with adjacent uses and structures and complies with all other provisions of this Zoning Code. The Board of Zoning and Planning has no obligation to approve a Conditional Use. This

Zoning Code assumes that conditionally permitted uses are not appropriate unless an applicant proves that the use will not be detrimental to the public health, safety, or general welfare of the City or the neighborhood in which it is proposed. Such uses shall only be approved if the applicant proves all the following factors are met:

Conditional Use Criteria
(a) The use is consistent with the goals and policies of any adopted plans of the City of Bexley, including, but not limited to, the Main Street Guidelines.
(b) The use will not have a negative impact on the neighboring land uses and the larger community because of the differences between the proposed use and existing uses in the community.
(c) The use will not be hazardous to or have a negative impact on existing or future surrounding uses.
(d) The property, and any proposed modifications, meet or satisfy the lot/yard or height requirements in the code and other general code provisions including landscape requirements, parking standards, and storm drainage requirements as existing or as may be adopted, except that BZAP may grant minor area variances necessary for the proposed conditional use.
(e) The use does not create an undue burden on existing public facilities and services such as street, utilities, schools or refuse disposal.
(f) The use is consistent with and/or furthers the City's economic goals and will not decrease property values or have a negative economic impact.
(g) The use is in character and keeping and compatible with the adjacent structures and uses.
(h) Any proposed construction will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

Staff recommends that the criteria have been met for conditional use allowing residential on the first and upper stories of the proposed 3-story building according to the following:

- (a) 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 2020 Diversity Equity & Inclusion Strategy call for affordable housing opportunities for people with low incomes as part of new development. This includes a recommendation including but not limited to rezoning. Conditional Use is a much less significant chance than rezoning of a property, as it indicated long-term consideration of the uses in question, as the CS zoning has with residential.
- (b) This land use is more similar to the uses to the rear (north) and east of the site than the previous use.
- (c) This use will not be hazardous. Impacts should be equal or less intense than an operating business at this site, as per those permitted in the CS District.
- (d) See above in Site Considerations regarding code provisions.
- (e) The use does not create an undue burden on public facilities.
- (f) The use is consistent with the City's economic goals and will not decrease property values. This multi-story new construction will be a significant investment in the site.

- (g) The use is compatible with adjacent structures and uses. Multiple story buildings of greater height than proposed are permitted on this site.
- (h) No natural, scenic or historic features exist on the site.

#### **D. ADDITIONAL COMMENTS**

##### **Architectural Review Board Recommendation**

The ARB reviewed the application at their January 14, 2021 meeting and made the following recommendations:

- That a Certificate of Appropriateness should be issued by the Board of Zoning and Planning with the condition that the applicant return to the Architecture Review Board for a Certificate of Appropriateness; and
- That the application be reviewed and approved by the Bexley Tree and Public Gardens Commission

#### **E. RECOMMENDED CONDITIONS**

Should the Board of Zoning and Planning choose to act on the conditional use requests, staff recommends the following conditions:

1. The applicant returns to the ARB to receive a Certificate of Appropriateness, including review of architecture, mechanicals screening, fence and enclosure details.
2. That the application be reviewed and approved by the Bexley Tree and Public Gardens Commission.
3. That the site modifications, design and materials will be in substantial conformance with the renderings and plans submitted at the February 25, 2021, Board of Zoning and Planning meeting unless otherwise modified in collaboration with the ARB and staff.