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Land Use and Long
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PLANNING AND ZONING COMMISSION

MEETING MINUTES

JULY 10, 2014

AGENDA

1. **Zoning Code Amendment-Bridge Street District
14-039ADMC
(Approved 5 – 0)** **Scioto River Neighborhood District
Zoning Code Amendment**
2. **Zoning Map Amendment/Area Rezoning-Bridge Street District
14-040Z
(Approved 5 – 0)** **Scioto River Neighborhood District
Zoning Map Amendment**
3. **Zoning Code Amendment-Bridge Street District
13-095ADMC
(WORKSESSION)** **Zoning Code Amendment**

Chris Amorose Groomes called the meeting to order at 6:30 p.m. and led the Pledge of Allegiance. Other Commission members present were Amy Kramb, Richard Taylor, Victoria Newell, John Hardt, and Todd Zimmerman. Amy Salay was absent. City representatives were Steve Langworthy, Claudia Husak, Jennifer Readler, Dana McDaniel, Logan Stang, Nicki Martin, Rachel Ray, Andrew Crozier, Jeff Tyler, Devayani Puranik, Terry Foegler, Joanne Shelly, and Flora Rogers.

Motion and Vote

Richard Taylor moved to accept the documents into the record as presented. John Hardt seconded. The vote was as follows: Ms. Kramb, yes; Mr. Zimmerman, yes; Ms. Newell, yes; Ms. Amorose Groomes, yes; Mr. Hardt, yes; and Mr. Taylor, yes. (Approved 6– 0.)

Ms. Amorose Groomes said there is a presentation that will be first and following the cases will be heard in order of the published agenda and briefly explained the rules and procedures of the Planning and Zoning Commission.

Presentation Bridge Park East Project

Nelson Yoder, Crawford Hoying Development Partners, provided a project overview on the planned Bridge Park East mixed-use development. He said his intent was to inform the Commission of changes that have been incorporated into the plan since the Commission's informal review in November 2013.

Mr. Yoder said the changes are related to the comments related to blocks sizes being too big and the recommendation that the blocks needed to be broken up. He said they improved the building design with enhancing the character, they provided more open space, extended the shopping corridor to the east, and provided more office square footage and meeting places to address the need for more space for Dublin's corporate citizens. He said they have increased the square footage to 60,000 square feet of office space spread throughout five different buildings and are taking advantage of the best views available within the project. He stated that they had reduced the number of residential units from 741 to 596.

Mr. Yoder said the target audience includes current and future Dublin corporate citizens, capturing the companies that are here now and attracting new Class A offices, while having the residential units capable of attracting a nice spectrum of empty nesters and young professionals. He said this is an

approximately 24-acre project in a great area of the city while still being a walkable district that is highly engaged with the river and adjacent parks. He said the project will include a 500 seat theater, gathering spaces with pocket parks, restaurants, convention center space, and a hotel that would likely be a Marriott product. He said economically, they are expecting to create 500 full time jobs for two full years for the project construction, as well as 1,000 full time equivalent jobs.

John Hardt asked Mr. Yoder to clarify the limits of Phase One of the project.

Mr. Yoder said phase "1A" is basically the existing Bridge Point Shopping Center, for which they plan to ask for demolition permits as soon as tenant relocations are complete, and areas slightly north of existing Dale Drive.

Mr. Hardt asked for the height of each of the new buildings.

Mr. Yoder said the corner building will be 85,000 square feet and will be a four or five story building. He said the hotel is four stories of guest rooms with a ground floor amenity space for a total of five stories, the next building has two stories of office/fitness with fitness/retail on the ground floor with four stories of apartments above for a total of six stories. He said the potential condominiums will be six stories with 12-foot ceiling height.

Richard Taylor said the changes are great and the project is headed in the right direction. He said he appreciates the applicant's response to the Commission's comments that they provided last November.

Todd Zimmerman said he likes the concepts and indicated that the progress on the implementation of the Bridge Street District is eye opening.

Victoria Newell said she appreciates the applicant's efforts made to address the Commission's comments and asked for some details on proposed materials that will be used for this project.

Mr. Yoder said they are working with Moody Nolan to complete the next level of documentation to bring sections and detailed elevation views to the Commission to highlight the materials. He said they are looking at the combination of brick and stone with a variety of colors and types of brick that would be most appropriate while having the ability to bring in Hardiplank or masonry products to have a variety of materials focused on the upper levels of the buildings.

Chris Amorose Groomes said she appreciated the presentation and the opportunity to ask questions. She said it appears that great strides have been made, although she said she still had concerns with the breakdown of uses and the amount of residential uses and apartments along Riverside Drive. She said she is concerned that only 18,000 square feet of retail in the entire first phase would be too small an amount compared with 1.1 million square feet of residential square footage. She thought that a more appropriate balance would be critical to balancing the traffic generated by this development.

Mr. Yoder agreed, but said that they would need to closely monitor the balance of parking. He said that residential development generates less parking at the equivalent of about 1.5 spaces per thousand square feet, while office uses generate about three to five spaces per thousand, but both hit the tax rolls at the same rate. He said changing the mix of uses could put the parking out of balance where they would not be able to afford to build the parking needed to support the office uses.

Ms. Amorose Groomes asked if they have started to identify interior spaces that will be used for structured parking.

Mr. Yoder said a location might be available further up the hill as the project expands, but would not be something that would be considered within the first phase.

Ms. Amorose Groomes thanked Mr. Yoder for the presentation.

- 1. Zoning Code Amendment-Bridge Street District Scioto River Neighborhood District
14-039ADMC Zoning Code Amendment
and**
- 2. Zoning Map Amendment/Area Rezoning-Bridge Street District
14-040Z Scioto River Neighborhood District
Zoning Map Amendment**

Chris Amorose Groomes said the following two cases were previously tabled and will be heard together but will require separate actions. She said the following applications are requests for review and recommendation to City Council for modifications to the Zoning Code to establish a new Bridge Street District zoning district and related Code amendments for the BSD Scioto River Neighborhood District and for an area rezoning of 23 parcels for the BSD Scioto River Neighborhood and BSC Public Districts in the Bridge Street District.

Rachel Ray said this case was tabled at the June 5th Planning and Zoning Commission meeting. She said Planning has modified the name of the district from "BSD Riverside Neighborhood District" to the "BSD Scioto River Neighborhood District" in response to the Commission's comments from the last review.

Ms. Ray said the majority of the Zoning Code amendments involve the Neighborhood Standards, which includes the new standards for the Scioto River Neighborhood, in addition to related Code amendments to some of the other main sections of the Bridge Street District zoning regulations.

Ms. Ray said the text follows the same general format and outline as the other neighborhood districts. She explained the history for the creation of the neighborhood districts, and noted that the components had been drafted in coordination with the developers and land owners who were working on plans for the Indian Run and Sawmill Center neighborhood districts at the time. She said the general locations for the shopping corridors, street network framework, open space network, and other elements that the developers were contemplating had been incorporated into the draft regulations and the associated graphics.

Ms. Ray referred to the updated Riverside Neighborhood District graphic and noted the updates, including an arrow at the east end of the shopping corridor for a mixed use activity node, a designation on the graphic indicating limited vehicular access adjacent to the roundabout at the intersection of Riverside Drive and State Route 161, and modifications to the boundaries of this district consistent with the modifications to the zoning map.

Ms. Ray said the modification to the proposed zoning text included the District Scope and Intent to emphasize the importance of a balance of land uses, in addition to a modification to the use table to require conditional use review for transit stations and conference centers. She said the Law Director's office requested that the reference of the "Group Residences" be eliminated from the use table entirely. She said the most significant modification is related to the Building Types. She stated that at the June 5th meeting, the Commission requested the elimination of wood and fiber cement siding as a permitted primary material and also to reduce the maximum permitted height for corridor buildings from 7.5 down to 5.5 stories in all Bridge Street District zoning districts. She said they have received three letters from potential developers in the Bridge Street District with some concerns about those two provisions, along with the fact that drive-through uses are prohibited other than for banks in certain BSD zoning districts. She said that the letters had been provided to the Commission prior to the meeting.

Ms. Ray referred to the building types requirements related to permitted primary façade materials. She explained that the Code requires permitted primary materials to be used on a minimum of 80 percent of each façade, and that can be through a combination of any of the permitted primary materials which include stone, cultured stone, brick, glass, wood, and fiber cement siding, as well as other high quality durable, natural materials. She said wood and fiber cement siding are only permitted to be used as primary building materials mainly for the more residential-scale building types or those used in the Historic District. She said the reason for listing the range of permitted primary building materials has to do with the diversity requirements in the Code and the intent to maintain an interesting mix of building types and building characters. She said fiber cement siding could provide an interesting mix of colors, textures, with a variety of applications such as flat or vertical panels or lap siding.

Ms. Ray said the reduction in the permitted building height from a maximum of 7.5 stories down to 5.5 stories is inconsistent with the objectives for the Bridge Street District. She said the mixes of land use, the building height, and massing are the most significant elements that contribute to the diversity of building types and development character throughout the Bridge Street District. She said when the regulations were initially drafted it was acknowledged that height limitations are appropriate around the Historic District as the development transitions in scale farther south to the residential neighborhoods south of the Bridge Street District, but in some areas around I-270 or closer to Sawmill Road there are opportunities to be taken advantage of for some higher building heights. She said the building heights are important to establish the density of employment as well as residential development to support the commercial uses that are anticipated throughout the Bridge Street District.

Ms. Ray summarized the recommendation of approval to City Council for this request for an amendment to the Zoning Code to establish a new Bridge Street District and related Code Amendments for the BSD Scioto River Neighborhood District, maintaining the existing maximum corridor building height provisions of the Zoning Code as well as eliminating the group residences use from Table 153.059A and related use specific standards.

Ms. Ray said the Zoning Map amendment showed the areas included in the area rezoning that recognizes the future right-of-way for the relocated Riverside Drive and the roundabout. She said they are recommending that the four parcels totaling 11 acres on the west side of the relocated Riverside Drive be rezoned to the Bridge Street Corridor Public District, which is consistent with the zoning for other public spaces within the Bridge Street District. She said the new Scioto River Neighborhood District land consists of the land on the east side of the relocated Riverside Drive including the existing Bridge Pointe shopping center, the former driving range, and the area north of the John Shields Parkway. She said a modification since the June 5th meeting included three other parcels that include two existing car dealerships and a daycare facility, based on the Commission's desire to see consistent zoning for land on both sides of Dale Drive.

Ms. Ray stated that approval to City Council is recommended for the proposed Zoning Map Amendment for the 23 parcels.

David Brown, Stockamp Brown, Attorneys at Law, representing Acura of Columbus, said two years ago they went through the process with the current businesses along SR161 including the Acura Dealership. He said at that time, the land was proposed to be zoned BSC Office, and with the support of the dealership, the zoning was changed to BSC Commercial. He said the dealership would like to remain BSC Commercial because the investment they have made in the property to remain a commercial parcel.

Ms. Amorose Groomes asked if, with this rezoning, the dealership could continue to operate the business that they have until whatever time they decided to no longer operate that business.

Jennifer Readler said there were extensive discussions on this at the time of the original rezoning, and as a result, a significant effort was made to draft provisions that would allow the existing businesses

protections to expand, improve, and continue their businesses. She said the main difference between the BSC Commercial designation and the proposed zoning district is that *Vehicle Sales, Rental and Repair* is currently a conditional use, which would be eliminated with the proposed rezoning.

Ms. Amorose Groomes confirmed that regardless of the proposed rezoning, that the car dealerships would be able to continue to do business.

Ms. Readler said they are protected under the Existing Uses provisions. She explained that if they abandoned the use, they would still have the opportunity to come forward with a conditional use request with the existing zoning. She said under the new district, if they abandoned the use under the definition of "abandonment," they would not be able to come back with any vehicle-related use on the parcel.

Ms. Ray said the abandonment provisions are extensive and would require the business to abandon the use for over a year, including turning off utilities, taking down signs, etc. She said they are considered a conforming use. She stated that the title "BSC Commercial District" is a misnomer because the "BSD Scioto River Neighborhood District" is also a commercial zoning designation.

Ms. Amorose Groomes asked if the Acura Dealership understood the rights they enjoy related to the changes.

Mr. Brown said they understand that continued use of that property will never change unless they discontinue the use, but they are concerned that the highest and best use for that property may always be a retail automotive dealership, and preferred that if they do decide to discontinue the use, they could still revert back to that use if another dealership would like to be situated there. He said with the new zoning, once the use was abandoned, they would no longer have the opportunity to entertain the business of a vehicular retail sales, leasing, rental, or service facility.

Ms. Ray said the overall range of vehicular uses is minimized and is not the desired direction moving forward for this area.

Mr. Langworthy said the only disadvantage from the dealership's point of view, is if they wanted to expand beyond the allowance of the Existing Structure provisions; however, they could come in for a conditional use to verify the use and allow the use to expand beyond the limits of the allowed 50 percent.

Amy Kramb said the new zoning opens up the possibilities to even more building types than the existing zoning, which would make the land more valuable.

Ms. Amorose Groomes asked if anyone else wanted to speak with respect to this application. [Hearing none.]

Ms. Kramb referred to the Zoning Code amendment related to permitted primary materials, and said she is okay with wood siding being a permitted material for building types. She said that although she is concerned with the overall height of buildings, she is not necessarily concerned with the overall number of stories of buildings.

Mr. Taylor referred to the Code modifications related to the corridor building height, and said if they are going to *not* do what was discussed on June 5th, then they should default back to the Code as written and leave it alone, which will solve the problems because it allows the additional 2 stories under certain circumstances.

Mr. Hardt asked Mr. Yoder if that would address his concern for his project.

Mr. Yoder said allowing six-story buildings would accommodate what is needed throughout the Scioto River Neighborhood District.

Mr. Hardt said it was his intention not to allow *taller* buildings for the entire Bridge Street District area without first seeing the buildings, but it was also not his intention to lower the allowable height of buildings from what Code currently allows. He said he agreed with Mr. Yoder's earlier statement that a half story does not make any sense for buildings in this District. He said he would support changing the permitted story height to six stories for corridor buildings.

Ms. Newell said there is no perceived difference from a five story to a seven story building when you're a pedestrian standing next to one. She said she would be supportive of six story buildings. She said she has seen buildings that are eight stories and is comfortable with them in business settings.

Ms. Kramb noted that since building height is based on number of stories, she asked how that would translate to maximum height in feet.

Ms. Ray said the maximum ground floor height for corridor buildings is 16 feet, with a maximum upper story height of 14 feet.

Ms. Newell said those are appropriate floor heights and suggested that the Code stay the way it was written.

Mr. Taylor said he wants developers to have the ability to have taller buildings, but he wants the Commission to be able to decide when they are too tall with the ability to negotiate where appropriate.

Ms. Amorose Groomes said that Waiver requests are encouraged and welcomed when appropriate. She said the Commission does not pretend to have written the perfect Code, and she encouraged developers to come forward with their greatest ideas to achieve their goals for the Bridge Street District, regardless of whether Waivers are required for the architecture.

Mr. Hardt said he would advocate for six stories across the board for the corridor buildings within neighborhood districts. Mr. Hardt asked if the hotel proposed is going to be six stories.

Mr. Yoder said it would be four stories over a ground floor, with a rooftop amenity which may be considered as a story, so that would make it six stories. He said they have a hard time working around a half story when implementing contemporary building designs.

Mr. Hardt said he agrees that the half stories do not make any sense and suggested leaving the text the way it is written but changing the numerals to "6" and "7," respectively.

Mr. Taylor agreed that the text should remain the same and if the developers want a taller building they should come back for a Waiver.

Ms. Amorose Groomes said she was concerned about keeping the Neighborhood Districts as similar as possible, and the changes made in this district would have a direct impact on the other Neighborhood Districts.

Mr. Hardt said that is why he is supportive of changing the height to six stories.

Mr. Taylor said he had a few other comments on the proposed Zoning Code amendment. He referred to the General Intent Statement for the districts and said they should be the same throughout the Code. He said he wants to keep the "Principles of Walkable Urbanism" in the beginning of the Code so they stay subjective and overriding principals for the district and are not intermingled with actual regulations, so

where referenced, the new "Section 153.065(I)" should be eliminated, removing the references to the Walkability Standards.

Mr. Taylor said referred to page 4 under (F), which states "predominant land uses are intended to be" and should say "predominant land uses *include* residential, office employment and supporting services commercial uses."

Mr. Taylor said to eliminate the word "natural" from the "durable, natural materials" under the permitted materials section because he could not think of a material that is not natural that is inappropriate.

Mr. Taylor said there was a reference in one of the letters received to not allow some of the fiber cement materials which would eliminate some of the panel options. He clarified the Commission's objection to fiber cement was related only to cementitious lap siding and he did not think there was any issue with large panels on the walls in some places where appropriate.

Mr. Hardt agreed that they were presuming lap siding. He said fiber cement materials were part of the primary permitted materials and thought the appropriate use of the materials is tied directly to the scale and height of the building.

Ms. Amorose Grooms said one of the letters talked about using different materials on higher levels of buildings because people wouldn't experience them in person at that height. She said that is the reason why they should *not* be used. She stated that *all* materials should be durable and of high quality.

Ms. Ray agreed that developers would be required to use a variety of materials, and they could not *just* have a building constructed entirely of fiber cement.

Ms. Amorose Grooms stated she thought they are going to have to go back to the Waiver option for materials because she was concerned that the proposed amendment is a reaction to a specific developer and she is uncomfortable with writing Code language that would apply across the Bridge Street District for buildings a particular developer wants to build and the Commission hasn't yet seen.

Mr. Hardt said he agrees that they are playing "what if" games, and that for every building that is proposed in this area the Commission will have an opportunity to review, under provisions in the Code that require a high level of architectural quality and variety. He said he thought the Code text should be left alone as it was originally written.

Ms. Kramb agreed.

Ms. Ray summarized that the Commission decided to eliminate all proposed changes to Sections (E) and (I) under 153.062, Building Types.

Ms. Kramb suggested the same thing for the height and not add anything new, specific or different about the height of corridor buildings within the Scioto River District, allowing it to default to what it has been in all the other existing districts.

Ms. Amorose Grooms said the only issue is that they were weak in allowing as much fiber cement siding as they did, because they are giving away a tremendous amount of density in these areas and in return expect to have the highest quality architecture.

Mr. Hardt agreed and said he is still comfortable with the Code language as approved two years ago.

Mr. Yoder said the developers have been moving forward with the existing regulations and they will be submitting detailed building elevations for review and feedback. He said there are key things in the Code

that give flexibility to keep the process moving and get the project in the ground when expected. He said he would like to lobby for the Commission's support on both of the proposals.

Mr. Taylor said his concern was that this neighborhood district was being created for a project that was substantially designed and the Commission had not seen any details in eight months. He said his hesitation had to do with not knowing what was in this District that is in direct response to the designs of elements in this development. He said usually, we write Code and the developer responds to the Code, and it seems to be the other way around here. He said he believes they are all on the right track and is more comfortable knowing the proposed project will be their best efforts. He said it would help tremendously if they would communicate to the Commission through staff more often, knowing that the next steps will come through for review very quickly. He said he would have been more comfortable with this project had they been involved as it progressed instead of going from November to July with no communication.

Ms. Amorose Groomes said no one on the Commission has any interest in slowing down the project, and reiterated that any applicant should not hesitate to bring forward Waiver requests. She said it is difficult writing Code text for a project that exists, yet has not been officially reviewed.

Mr. Hardt said the neighborhood district unified the regulations across the project with a chunk of the site not allowing corridor buildings that are being proposed. He said he does not mind creating a new zoning district to make sure the right elements of the project are accommodated.

Ms. Kramb said the draft Code language the Commission reviewed in June was almost identical to the existing neighborhood districts, and she felt the few changes were too developer-specific. She said those elements were struck from the text, having asked that they remain similar to the other districts. She said the current version has two major differences, which are changes that the Commission requested. She said she feels that it should be restored to the original text and as it currently applies to other districts.

Mr. Hardt said he agrees but recommends changing the 5.5 stories to 6.

Ms. Kramb said she agrees with 6 stories, but thought it should be included in the overall Code update, rather than with this Code amendment for the new zoning district. She said she was ok with the revised Zoning Map with the revisions that show consistent zoning on both sides of Dale Drive.

Ms. Ray summarized the proposed changes associated with the Zoning Code amendment: maintaining the existing maximum corridor building height and returning to status quo; ensuring the consistency of the District Intent Statements between 153.058 and 153.063"; correcting the references to the Principals of Walkable Urbanism; and eliminating the changes to 153.062 regarding materials and balconies.

Mr. Hardt requested that a copy of the updated Code language be sent to the Commission, showing all of the final revisions.

Ms. Amorose Groomes asked if there were any other comments. [There were none.]

Motion and Vote

Richard Taylor moved to recommend approval to City Council for the Zoning Code Amendment to establish a new Bridge Street District zoning district and related Code amendments for the BSD Scioto Riverside Neighborhood District; changing the maximum corridor building height to six stories and eliminating the exceptions in 153.062(O)(5); eliminating "Group Residences" from Table 153.059-A and the associated Use Specific Standards; ensuring the consistency of the District Intent statements of 153.058 and 153.063 and addressing the references to the mix of land uses in 153.063(F)(1); removing the references to the Principles of Walkable Urbanism of 153.065(I); and eliminating the changes to

153.062(E) and (I). Mr. Hardt seconded. The vote was as follows: Ms. Newell, yes; Mr. Zimmerman, yes; Ms. Kramb, yes; Ms. Amorose Groomes, yes; Mr. Hardt, yes; and Mr. Taylor, yes. (Approved 6 – 0.)

Motion and Vote

John Hardt moved to recommend approval to City Council for this request for a Zoning Map Amendment (area rezoning) of 23 parcels (approx. 66.97 acres) to the BSD Scioto River Neighborhood and BSC Public Districts in the Bridge Street District. Ms. Kramb seconded. The vote was as follows: Mr. Taylor, yes; Mr. Zimmerman, yes; Ms. Newell, yes; Ms. Amorose Groomes, yes; Ms. Kramb, yes; and Mr. Hardt, yes. (Approved 6 – 0.)

3. Zoning Code Amendment-Bridge Street District 13-095ADMC (WORKSESSION)

Zoning Code Amendment

Chris Amorose Groomes said the following is an informal review and discussion prior to a future recommendation to City Council regarding proposed Zoning Code Amendments to the Bridge Street District Zoning Code focusing on Code Sections 153.057 through 153.062.

Ms. Ray said she did not prepare a presentation, but would be happy to provide the Commission with an overview if they would like. She said she had provided a memo explaining the primary discussion items, which she hoped was helpful for the Commission's review.

Ms. Amorose Groomes stated that she did not believe a presentation was necessary. She began the review on page 1 at Section 153.057-058. She confirmed no changes on page 1 were necessary.

Johyn Hardt said all the strikeouts on page 2 extending onto page 3 for the Principles of Walkable Urbanism should be un-struck and remain in 153.057, General Purpose, based on the Commission's earlier discussion.

Amy Kramb referred to page 3, Code Section 153.058(B)(1), the intent statement for the BSD Residential District. She asked the Commissioners about the intent statement, and whether they agreed that it should refer to more mixes of uses. She noted that the Commission had discussed the topic of purely residential projects at great length recently, which as currently written in this Code Section, would allow such projects.

Richard Taylor said the mixing of uses would not *required* by the Principles of Walkability; however, there are a lot of other elements that could allow a greater mix of uses to be required when appropriate.

Victoria Newell stated that the Commission could not enforce a requirement for a mix of uses.

Ms. Amorose Groomes suggested changing the language to "residential with small scale commercial uses when appropriate."

Mr. Taylor said he thought the statement "uses are generally limited to residential and small-scale residential support uses" covered the desired intent.

Ms. Kramb said the commercial uses that are permitted in the BSC Residential District are conditional uses.

Mr. Hardt said he recalled the Commission's discussion that the uses should be conditional, because they needed to be sited carefully in this district in particular.

Mr. Taylor said it was not his intent to state that there *couldn't* be a purely residential neighborhood project. He said it is a matter of the distribution and the scale of the project, where larger projects should include a mix of uses. He said requiring a mix of uses should not be in the Code, especially if the project is next door to a commercial street that has a lot of different types of uses. He thought the existing language gives them enough room to encourage a mix of uses when appropriate, but not require it.

Jennifer Readler said it is very difficult in a straight zoning district to dictate the mix of uses, because if a use is permitted, then they can make the whole project one permitted use, but that doesn't end the review because there are different levels of review and other elements of the application. She said those other elements could lead to getting more of what the Commission is looking for, or lead to disapproval versus just the pure use issue.

Ms. Newell asked if they are encouraging an applicant to put in mixed uses when they prefer only developing residential, and is the Commission supported in requiring mixed uses in the way the Code is written.

Ms. Readler said the Commission can ask for whatever combination of permitted uses that would fit more with the Community Plan and the other studies and reports for the Bridge Street District and address the different site concerns.

Ms. Newell referred to the Use Table and asked why "Sexually-Oriented Business Establishment" is a use listed in this Code.

Ms. Readler said they need to provide certain venues or locations within the City where these uses would be permitted, and upon analysis of the community and the commercial districts, the BSC Commercial and Community Commercial Districts are the only areas that allow this type of use.

Mr. Langworthy said the Community Commercial zoning districts were converted to the BSD Commercial District within the Bridge Street District, and this was really the only area in the city where these uses were permitted under any circumstances.

Ms. Newell confirmed with Ms. Readler that they cannot legally ban the use from the city.

Mr. Taylor said in several places the "Applicant Guide" is mentioned, and asked if it existed yet, or if it was appropriate to refer to this "guide" if it didn't exist.

Ms. Ray said Planning is continuing to work on creating the Applicant Guide. She said it is in progress.

Mr. Hardt asked for clarification on the proposed modification to the abandonment language proposed in subparagraph (b)1 on page 3 of 17 in the "Uses" section, referring to multi-tenant buildings.

Ms. Krumb said she understood (b)1 just to be re-worded.

Ms. Amorose Groomes said it was to make it clear that just because one tenant left one of the Existing Structures on a site, the "Existing Use" status is not eliminated for the entire site.

Mr. Langworthy said the intent was that the whole building had to change over before they can enforce the abandonment regulation, which was Council's intent in the beginning where you could not take one tenant space and apply the regulation.

Ms. Ray referred to the two provisions under subsection (b) and said one has to do with one existing structure that happens to be a multi-tenant building, which then references what Mr. Langworthy

mentioned, while the second provision has to do with parcels with *multiple* existing structures on it, and what happens when one of them switches over to a Bridge Street-permitted use, but one of them still has the Existing Uses in it. She said if there are multiple Existing Structures it is only after they all have been abandoned is the Existing Use status eliminated. She said there may be some confusion between Existing Structures and Existing Uses, once all the uses are gone from all of the buildings (Existing Structures) they would no longer have access to those uses.

Ms. Amorose Groomes agreed with the regulation as written.

Mr. Hardt said he would like to know how many potential sites are affected by this provision.

Mr. Hardt referred to page 7 of 17 in the "Uses" section related to drive in/drive throughs and asked why are they only allowed as a conditional use for banks.

Ms. Ray said in the use specific standards it currently allows drive throughs only for banks. She said the stacking for banks is much lower than expected for other types of drive-through uses. She said in an urban environment, this type of vehicular use is not one that should otherwise be encouraged.

Mr. Langworthy said they didn't want the character of this district to take on a vehicular orientation.

Nelson Yoder, Crawford Hoying Development Partners, asked if he could speak to this provision. He said he does not want lots of drive-throughs either, but thought if there could be a limitation on how many drive-throughs that could be granted through the conditional use review in a certain area, that could provide the opportunity for a solution that everyone is comfortable with.

Mr. Langworthy said that was a provision on which we would have to agree to disagree. He said this was not a use that Planning would recommend expanding.

Mr. Hardt said he just wanted to make sure they were not taking something away that others already have.

Mr. Taylor agrees with the reason of stacking being the issue.

Mr. Hardt confirmed that drive-throughs for banks are allowed through a conditional use while drive-throughs for restaurants are not permissible at all, not even as a conditional use.

Mr. Yoder confirmed that they would not be able to come before the Commission and ask for a Waiver or a conditional use for a drive-through for a coffee shop.

Mr. Langworthy said they discussed potential locational requirements that would keep drive-throughs from being visible from the principal frontage streets, shopping corridors, and main thoroughfares.

Ms. Ray agreed and stated that the only way other types of drive-throughs could be considered is through a future Code amendment. She said this could be processed as part of an application, once an applicant brought a project forward.

Mr. Taylor said he is okay with the Code as written.

Mr. Hardt referred to the use specific standards for parking structures in paragraph (f), which should be (g), and said that as written, it is different than what was there before. He said that when the Commission had discussed this previously, the intent was that a parking structure would need to have occupied space as part of the structure. He said the replacement language says a parking structure can

be a free standing structure as long as it has other buildings in front of it. He said he wasn't sure whether this was the same thing.

Ms. Krumb said the same section references parking structures visible from "public street rights-of-way," and this should be changed, since there are some areas where streets will be built to public standards, but will be private drives.

Ms. Ray said they will clarify that and define "completely screened".

Ms. Krumb said page 11 of 17 under "Exercise and Fitness," the Historic Transition Neighborhood District is specifically called out as size-limited, but on the Use Table, it is not listed as size-limited.

Ms. Ray said that is an error and it will be corrected.

Mr. Taylor referred to the Drive-In/Drive-Through provisions on page 14 of 17, and suggested that protective bollards should be painted to match the drive-through structure.

Ms. Amorose Groomes confirmed there were no other comments on Code Section 153.059, Uses. She proceeded to Code Section 153.060, Lots and Blocks.

Ms. Ray said she would go through the proposed Code text and fix the references to the Principles of Walkable Urbanism, since they will not be relocated. She said however they would still like to create a new section for Walkability Standards, including relocating certain other Code provisions to this section such as mid-block pedestrianways. She said she wanted to make sure the Commission was clear on the intent.

Mr. Hardt clarified that his intent is that all these Code Sections taken together should establish the street sections and street designs, which are and should be predetermined by the City Engineer and are non-negotiable.

Ms. Ray confirmed that was the intent for many of the provisions related to the public realm.

Mr. Taylor asked for clarification on subsection (d) on page 4 of 5 of the "Lots and Blocks" section, regarding the ends of mid-block pedestrianways terminating at the public right-of-way or an open space.

Ms. Ray agreed that the wording was not clear. She said the intent was to avoid the mid-block pedestrianways from dying into a parking lot in the middle of a block. She said each "end point" should terminate at the public right-of-way or at an open space.

Ms. Amorose Groomes confirmed there were no other comments on Code Sections 153.060, Lots and Blocks, or 153.061, Street Types. She proceeded to Code Section 153.062, Building Types.

Ms. Krumb stated that "Parking for Existing Structures" provision at the top of page 2 of 19 was confusing and a run-on sentence.

Ms. Ray agreed to simplify the paragraph.

Todd Zimmerman referred to subparagraph (d), Dormer Design, on page 8 of 19 and said when developers put windows into areas like dormers into unfinished space, he did not want to have beams showing through the windows. He suggested a requirement that the inside of the windows are finished.

Mr. Hardt suggested that where windows are installed, visibility into permanently unfinished spaces should be prohibited.

Mr. Hardt referred to “Materials” on page 9 of 19 and confirmed the Commission agreed to remove the word “natural” from materials. He pointed out that glass is listed and allowed as a primary building material. He said in some cases it is stipulated that the calculation of a façade shall exclude the windows, which seems confusing.

Ms. Ray said they will come up with a strategy to address the confusion.

Mr. Taylor said he would include windows in the calculation as opposed to exclude them because by definition the window is going to be a high quality building unit.

Ms. Kramb referred to subsection (4), Color, on page 11 of 19 and suggested removing the word “historic” from the color palette because colors that are not considered historic colors can still be very appropriate colors.

Ms. Ray said the intent of the word “historic” when the Code was first drafted was to make sure the colors of significant portions of the buildings were more muted. She agreed that there could be a historic shade of bright red. She stated however that if they strike “historic” then the whole purpose of that section is lost.

Mr. Zimmerman asked that direct vent fireplaces should be finished to match the exterior color of the direct side wall.

Ms. Amorose Groomes continued through asking for comments on the remaining portions of the Code. She asked if there were anyone from the general public that would like to provide additional comments on the Code. [There were none.]

Ms. Amorose Groomes asked when the rest of the Code would return to the Commission for review.

Ms. Ray stated that they may be ready by August. She said the remaining sections include the building type tables, the remaining neighborhood district standards, open space types, the site development standards (which include parking, landscaping, and signs), and the review and approval standards.

Ms. Amorose Groomes said the remaining portions will require a dedicate meeting because it is difficult to review cases and Code together.

Communications

Ms. Husak gave an update on applications that have been filed.

Ms. Readler said she distributed a memo related to neon signs enforceability and code compliance letters will be sent out on Monday.

Roundtable

Ms. Amorose Groomes asked if there were any roundtable discussion. [There were none.]

Ms. Amorose Groomes adjourned the meeting at 10:37 p.m.

As approved by Planning and Zoning Commission on August 7, 2014.