



## **MEETING MINUTES**

### **Planning & Zoning Commission**

Thursday, October 20, 2022

#### **CALL TO ORDER**

Ms. Call, Chair, called the meeting to order at 6:30 p.m. and welcomed everyone to the October 20, 2022 Planning and Zoning Commission meeting. She stated that the meeting also can be accessed at the City's website. Public comments on the cases were welcome from meeting attendees and from those viewing at the City's website.

#### **PLEDGE OF ALLEGIANCE**

Ms. Call led the Pledge of Allegiance.

#### **ROLL CALL**

Commission members present: Rebecca Call, Lance Schneier, Kathy Harter, Mark Supelak, Warren Fishman, Jamey Chinnock, Kim Way  
Staff members present: Jennifer Rauch, Chris Will, Thaddeus Boggs, Michael Hendershot, Tina Wawzkiewicz

#### **ACCEPTANCE OF DOCUMENTS**

Mr. Supelak moved, Ms. Harter seconded acceptance of the documents into the record and approval of the minutes of the 09-15-22 meeting and the 08-31-22 Joint Council-PZC-ARB-BZA work session.

Vote: Ms. Harter, yes; Mr. Schneier, yes; Ms. Call, yes; Mr. Way, yes; Mr. Supelak, yes; Mr. Chinnock, yes; Mr. Fishman, abstained.

[Motion approved 6-0 with one abstention.]

Ms. Call stated that the Planning and Zoning Commission is an advisory board to City Council when rezoning and platting of property are under consideration. In such cases, City Council will receive recommendations from the Commission. In other cases, the Commission has the final decision-making responsibility. Anyone who intends to address the Commission on administrative cases must be sworn in. Ms. Call swore in meeting attendees intending to provide testimony on the cases on the agenda.

#### **INFORMAL REVIEW CASES**

- 1. Panera Bread at 6665 Perimeter Loop Road, 22-109AFDP, Informal Case Review**

Construction of a drive-thru for an existing restaurant on a 1.96-acre site zoned Planned Commerce District - Perimeter Center. The site is located ±615 feet southeast of the intersection of Perimeter Loop Road with Avery-Muirfield Drive.

### **Staff Presentation**

Mr. Will stated that the site is located southeast of Avery-Muirfield Drive and Perimeter Loop north of the off/on ramps for US33 westbound. The development in this corridor is predominantly auto-oriented, leveraging its proximity to the interchange. The site is zoned Perimeter Center. At the existing 5,000-square foot Panera restaurant, there is a 50-foot building and pavement setback along the frontage with SR161 and US33. There is also a 30-foot pavement setback on both Avery-Muirfield Drive and Perimeter Drive and an additional 50-foot building setback along both thoroughfares. There is an existing berm between the restaurant and the highway ramps, as well as a landscape hedge on both Perimeter Loop and Avery-Muirfield Drive, which screens the existing parking area. The Final Development Plan was approved by the Planning and Zoning Commission (PZC) along with the Conditional Use of outdoor seating on April 19, 2001. On May 21, 2001, City Council approved a rezoning to create a new Subarea L from Subarea E within the Perimeter Center. This occurred to permit a reduction in parking as well as an increased building height for the restaurant, while keeping with the development standards and character of the existing Perimeter Center development. The applicant is proposing to adapt an existing drive lane at the rear of the existing restaurant to provide a drive-thru. A drive-thru is a permitted accessory use. One exchange window is proposed, and 8-car stacking is proposed, consistent with the development plan requirements. Site modifications are proposed to enable the drive-thru, including removing 11 existing parking spaces, constructing 7 new parking spaces, reshaping an existing 3,500-sq. ft. dry detention basin, and general site circulation. Site modifications would result in a net loss of 4 parking spaces and would slightly reduce the total impervious surface (lot coverage) from 49.9% to 49.2%. The existing dry basin will be reshaped to provide space for additional new parking. The original development standards required 117 parking spaces for the restaurant and outdoor seating area, but the rezoning approved a parking reduction to 82 spaces. The accompanying condition of approval was that the applicant require the restaurant staff to park at the adjacent Perimeter Center shopping center, and that a crosswalk be installed along with signage to provide safe crossing. However, that never was done. Of the 82 spaces, only 81 were constructed. This new application would reduce the spaces to 77. Two questions have been provided for the Commission's discussion:

1. Is the Commission supportive of the proposed drive-thru layout and site circulation?
2. Is the Commission supportive of the reduction of parking?

### **Applicant Presentation**

Ben Siembida, Civil Engineer, MS Consultants, 2221 Schrock Rd, Columbus, OH 43229, stated that he and Bob Bundy, representative for the property owner and the franchise representative, are available to answer questions.

### **Commission Questions**

Mr. Chinnock inquired if additional signage or a reduction in signage was proposed.

Mr. Will responded that additional signage would be included for the drive-thru.

Ms. Rauch stated that a menu board would be considered separately from the ground or wall signage.

Mr. Way inquired if the earlier shared parking agreement with Giant Eagle identified a certain number of spaces.

Mr. Will responded that he is not aware of those details.

Mr. Way inquired if the crosswalk was never implemented.

Mr. Will responded that it was not.

Mr. Will inquired if there has been any discussion about implementing that crosswalk with the proposed project, linking that parking to this site.

Mr. Siembida responded that there has been some discussion about providing employee parking across the street.

Mr. Way inquired if the crosswalk could be implemented, per the original agreement.

Mr. Siembida responded affirmatively; they could work out those details with staff.

Ms. Call inquired where and at what time of day deliveries are received. Would it be during or after hours of operation?

Duane Jackson, director of construction, Covelli Enterprises, 3900 E. Market Street, Warren, OH 44484, stated that deliveries typically are received at night. They have approximately 50-60 cafes in the Columbus area and are able to dictate where and at what time deliveries must be made. Typically, deliveries are made at the rear door late at night, as it creates no conflict with customer or drive-thru traffic.

Ms. Call inquired if there are other existing Panera franchises in this market area.

Mr. Jackson responded that there are 10 local franchises, several of which do not have a bypass lane and most with 77 or less parking spaces.

Mr. Chinnock inquired if there is no concern about not having a bypass lane here, given that the other locations do not have one.

Mr. Jackson responded that three of the Columbus locations have one. In the Cincinnati market, 7 of their locations have bypass lanes. In all their markets, they have approximately 250-260 locations. Customer need and feedback drive all their decisions. They added their first drive-thru without a bypass lane in 2013, and more since then. Initially, they were concerned about the lack of a bypass lane due to extended wait times. However, inability to exit the drive-thru lane has not presented a significant problem. They do try to incorporate a bypass lane where possible. Before and particularly since the pandemic, the market trend has changed. Their building sizes went from 5500 square feet, as is the Avery location, to 3900 square feet. The numbers of parking spaces are also less. This change is based on customer feedback; people are less social and in more of a hurry.

Mr. Chinnock inquired if the drive-thru hours would be the same as the dine-in hours.

Mr. Jackson responded affirmatively.

Mr. Chinnock inquired if the number of inside seating spaces would also be reduced or remain the same.

Mr. Jackson responded that in older locations, including this particular location, the spaces are not reduced. In new locations, the number of seats is fewer.

Ms. Call inquired about the maximum number of stacked cars during peak hours at their existing facilities.

Mr. Jackson responded that at most of their locations, they have 5 stacking spaces; however, Dublin requires 8 stacking spaces, so that is what will be provided. During peak hours, the average

customer will sit in line 4-5 minutes; however, customers are aware that their food is made to order.

Ms. Harter inquired if they anticipate a crowded experience, similar to the Sawmill Road location, or if would it be similar to the Powell location. Additionally, is there any concern about fire truck access on site? Would access occur through the adjacent Shell gas station site?

Mr. Will responded that the driveway in the rear is not 12 feet wide and does not currently meet the specifications for a fire apparatus lane; therefore, it is not included in the existing fire safety conditions.

Ms. Harter stated that she has attended some meetings in the community room at this site; the site was very crowded and it was difficult to find a parking spot.

Mr. Jackson responded that they believe the 8-car stacking is sufficient. Currently, drive-up customers take up 30-35% of the available parking, and that number continues to increase.

Mr. Fishman stated that he and his wife visit this restaurant frequently, and he has never seen the parking lot full. He would be supportive of keeping the existing greenspace and reducing the parking even more. Additionally, the parking beside the proposed drive-thru looks awkward. He would supportive of eliminating that parking, as well, and leaving it as greenspace. Could this be a Conditional Use, so that if the use changes in the future, that use would need to provide the typically required parking?

Mr. Supelak inquired what other uses would be permitted here, as it is currently zoned, without triggering a need to re-address the parking.

Mr. Fishman responded that it certainly could be another restaurant, such as McDonald's. His question is if the Commission permits them to leave areas B and C on the plan as grass, which would further reduce the parking, should the use change, can the new owner be required to add the original number of parking spaces?

Ms. Call requested Mr. Boggs, Assistant Law Director to respond.

Mr. Boggs stated that the proposed project is presented for an Informal Review tonight. To proceed with either the proposed plan or a plan similar to what Mr. Fishman has suggested, the applicant would need to present a request for an Amended Final Development Plan. That plan would contemplate a particular intensity of use for this drive-thru and the associated parking requirements. If a future user should want to move into this space and do exactly the same thing, that project would not come before the Commission for consideration. If a potential future use were to propose a modification either in the intensity of use, in the site plan configuration, or a change of use, those applications would come before the Commission for consideration.

Mr. Schneier inquired if the applicant would have any desire to change the parking any differently than presented.

Mr. Jackson responded that they believe the proposed plan works, but they are willing to work with the Commission in any way necessary to achieve the proposed drive-thru.

Mr. Chinnock inquired if the applicant would be willing to move forward with a further reduction parking spaces to leave the existing greenspace or if the applicant believes they need the proposed parking spaces.

Mr. Jackson responded that they have proposed 77 parking spaces, but they would be comfortable reducing the parking spaces substantially, perhaps to 50-55 spaces.

Ms. Call inquired if staff would be supportive of a greater reduction in parking.

Mr. Will responded that there should be sufficient infrastructure to support the proposed restaurant operation on this parcel, as well as any future similar use.

### **Commission Discussion**

Ms. Call stated that the following two questions have been provided for the Commission's discussion:

1. Is the Commission supportive of the proposed drive-thru layout and site circulation?
2. Is the Commission supportive of the reduction of parking?

Ms. Call stated that she wanted to highlight the absence of a bail-out lane, which is a standard requirement. The applicant has stated deliveries will occur outside of the business's hours of operations; that is not necessarily guaranteed in the future. Additionally, 4-5 minutes wait time per car with a stacking of 5-8 cars would result in a queue time of 20-40 minutes. If the stacking is larger, ADA spaces will be blocked.

Mr. Way stated that he has no objection to the proposal, which would be a way to efficiently achieve a drive-thru. He would not reduce the parking further than the 77 spaces. The large hedge along Perimeter Loop Road provides screening. He believes the way they propose handling that situation is fine. He would suggest that they complete what was not completed with the original agreement. As part of their operations, they propose having employees park across the street, and installing the crosswalk would facilitate that. Therefore, including the crosswalk would be essential to approve the project.

Mr. Supelak stated that he agrees with Mr. Way's assessment. He has visited this Panera location many times. While the front portion of the parking lot is busy, he has never had to park more than a couple of spots from the front door. Panera has been in operation on this site for 20 years. With that long track record, the applicant understands what would work on the site. They also will address any delivery timing issues, as they want the business to continue to be viable. It makes sense to eliminate parking spots in the back that could impact the drive-thru. Having employees park across the street is an operational matter. If they need the parking spaces, they will send the employees across the street. To enable that, the crosswalk seems necessary. However, Perimeter Loop is a wide road and the traffic is not slow; perhaps a crosswalk would be problematic.

Mr. Way responded that part of the earlier agreement was that the crosswalk would have pedestrian signage, which can come in many forms, including flashing lights.

Mr. Supelak stated that it would be important for Engineering to consider the potential issues and address them well. This site is 20 years old, and traffic has been travelling this road for 20 years. It would be a substantial change for drivers to suddenly have a crosswalk and flashing lights on that road. There are some concerns about a potential future tenant, but any parking constraints would be considered by said tenant. There is merit in buoying this business, and if the drive-thru will do that, he is supportive of continuing Panera's longevity on the site.

Mr. Schneier stated that he is in agreement with Mr. Supelak's comments. He looks at the proposed drive-thru as market-based. He defers to the applicant on the operational components. The market

will speak. If the waits are too long because of the absence of a bypass lane or inadequate parking, then it will show up in the business. Panera has had a business here for some time, so it is not something the Commission needs to second guess. He is not supportive of implementing a crosswalk here. Looking at Bridge Street, flashing crosswalks create more issues than they solve. A crosswalk on Perimeter Loop would not get much pedestrian traffic other than the employees of Panera. It would be problematic to add a crosswalk on Perimeter Loop. With respect to the further reduction of parking, the trend is for less parking and more drive-thru in all businesses. However, only if the applicant now wants to further reduce the parking spaces would there be any need for the Commission to consider that. He does not want to take a position that he would rather see less parking than is proposed.

Mr. Fishman stated that the only reason he suggested reducing the parking further is that he dislikes seeing more greenspace disappear than is necessary. However, he will concur with whatever the majority position is on number of parking spaces. In regard to the crosswalk, he remembers the earlier, lengthy discussion and decision, which was based on safety concerns. The reason a signalized crosswalk was installed on Bridge Street was because an individual was killed crossing the street before there a crosswalk was installed. Even if only 5 employees are crossing the street, their safety is very important. He would defer to staff on that decision.

Mr. Supelak stated that there are a large number of parking spaces that are rarely used in the adjacent gas station site. A parking agreement could solve the need for employee parking adjacent to the site.

Ms. Harter stated that she is not supportive of less parking than is proposed. She also is supportive of having 8 stacking spaces for the drive-thru lane. She would be supportive of a potential employee parking opportunity at the adjacent gas station; however, if necessary for the safety of the employees, she is supportive of the crosswalk.

Mr. Chinnock stated that he believes a crosswalk is necessary. It is important to have an area for the employees to park that is comfortable and safe. He is concerned about the lack of a bypass lane for the drive-thru, but he understands the site constraints. Perhaps the handicapped spaces could be moved to the front of the store, so if there is a stacking issue, there is more flexibility in that area.

Ms. Call stated that she is not supportive of the drive-thru. Just because something is tolerable does not mean it is good planning. Part of the Commission's responsibility is to ensure that a project is planned well. Bail-out lanes are needed. Even with a 2-minute wait, customers often will pull out of drive-thru lanes. There is currently a McDonald's restaurant in the shopping center across the road that has insufficient stacking, and the drive-thru traffic stacks on the roadway. That impedes traffic and causes issues. While a drive-thru lane would be a good addition, being stuck in that drive-thru lane for 20 minutes would not be acceptable. The Commission owes Dublin residents our efforts to look out for their best interests. She would agree with placing the handicapped parking spaces at the front of the restaurant. Additionally, if employees must park across the street, there is no sidewalk on the Panera side of the street, only on the other side of the street. Only adding a crosswalk could mean employees need to walk on grass or designated drive aisles. Requiring employees to walk in a designated auto-oriented location is not good planning. As a Commission, we need to look at those details. She is not opposed to a reduction in parking, but

she would challenge the applicant and staff to define a way to include a bail-out lane. If the issues she has mentioned could be addressed, she would be supportive of the application.

She asked the applicant if there were any items on which they sought additional clarity.

Mr. Jackson responded that a potential parking agreement with the Shell gas station was mentioned to provide employee parking, which would eliminate the need for a crosswalk. If that is something the Commission is open to, they would attempt to have that discussion with the adjacent property owner.

Commission members were supportive of the potential parking agreement.

Mr. Jackson noted that as a point of clarity, the reason they cannot add a bypass lane is that there is a 50-foot building setback and pavement setback due to the ODOT setbacks along US33/SR161. That is a site constraint. Other than that issue, he believes the comments were reasonable and he appreciates the Commission's feedback.

## **2. Indus Bridge Street at PIDs: 273-012427, 273-012430, 273-012429, 273-008244, 273-009080, and 273-009101, 22-143INF, Informal Case Review**

Development of a mixed-use development consisting of 5 buildings: a hotel, a parking garage, an office and two residential buildings. The 6.29-acre site is zoned Bridge Street District, Scioto River Neighborhood and is located north of John Shields Parkway, west of Mooney Street, south of Tuller Road, and east of Riverside Drive.

### **Staff Presentation**

#### Site Overview

Mr. Hounshell stated that this is a request for Informal Review of a proposed Indus Bridge Street development. The 6.29-acre site, which is zoned BSD-SRN, Scioto River Neighborhood, is currently vacant. The site is located northeast of the intersection of Riverside Drive and John Shields Parkway and is bound on the north by Tuller Road, on the west by Riverside Drive, on the south by John Shields Parkway, and on the east by Mooney Street (presently not developed along the site). There is an increase in grade of 20-30 feet moving from west to east on the site. Adjacent to the site, Riverside Drive is designated as a Corridor Connector and Principal Frontage Street (PFS); Tuller Road and John Shields Parkway are designated as District Connector and PFS; and Mooney Street is designated as a future Neighborhood Street. Riverside Drive would be the primary street frontage, as it has the highest street designation. There would be an extension of Longshore Street through this block. The applicant is proposing to extend Longshore Street between John Shields Parkway and Tuller Road.

This site requires two gateway locations at the northwest and southwest intersections of the site. Gateways provide points of identification and a sense of arrival for an area. They should be pedestrian-oriented and can accommodate features such as architecture, landscape or open space.

#### Proposed Site Plan

The applicant is proposing the construction of a new block development, including two new apartment buildings, an office building, a hotel, a parking garage, four public open spaces and two street extensions, Mooney and Longshore streets. All of the buildings have retail incorporated on the first floor. [Proposal details reviewed.]

Staff has provided the following questions for the Commission's consideration:

1. Is the Commission supportive of the proposed uses and general site layout?
2. Is the Commission supportive of the conceptual architectural character, including the buildings' mass and height?
3. Is the Commission supportive of the proposed street extension of Longshore Street?
4. Is the Commission supportive of the proposed open spaces?
5. What design considerations does the Commission recommend for the gateway features?

### **Applicant Presentation**

David Kozar, Indus Hotels, 2700 Camden Road, Upper Arlington, OH, 43221, stated that he and representatives of Moody Nolan, EMH&T and MKSK are present to answer questions about the project.

Miguel Gonzales, 2501 Bristol Road, Upper Arlington, OH, 43221, stated that there are challenges with this site. The grade change is 18-30 feet at the northern edge. They are trying to capitalize on the open space opportunities to organize the site layout. This block will have one of the largest open spaces in the Bridge Street District. They will be extending the District's bikepaths and pedestrian paths within the area and extending Longshore Street. They are lining Riverside Drive and Longshore Street with commercial uses. The base of the hotel will provide commercial uses, facing Longshore Street. They are trying to create a terminus to the Bridge Street Corridor in this block, creating some variety in the roof heights, stepping the buildings up moving to the north. The office building at the corner will provide a gateway element, but the gateway locations have not yet been designed. There will be some roof terraces on the podium building elements and a pool area. [showed inspirational views of the site layout and renderings of the proposed buildings.] Balconies will be provided on some of the office buildings to break down the scale and setbacks incorporated to reduce the presence of the massing.

### **Commission Questions**

Mr. Way stated that Longshore Street is not a full intersection at this point; there is a median that prevents the road being crossed. Will that continue to be the case?

Mr. Hendershot responded that it would remain a right in/right out access point. The concern is the proximity of the intersection of Longshore Street to Riverside Drive. There is insufficient distance for vehicle stacking.

Mr. Way inquired about the exit from Longshore Drive to Tuller Road.

Mr. Hendershot responded that a left egress would be permitted, but there is currently a right in/right out at the intersection of Tuller Road and Riverside Drive.

Mr. Way inquired if there is any proposal for a pedestrian connection across Riverside Drive at the end of Tuller Road, or if there would be no connectivity to the park on the other side.

Mr. Hendershot responded that is an idea that would need to be looked into further, as the project progresses. There is a large volume of traffic along Riverside Drive, and adding any additional pedestrian crossings would need to be considered carefully.

Mr. Way inquired if the east side of Mooney Street would have a sidewalk, when that street is extended. If so, would it be provided by the City?

Mr. Hendershot responded that the expectation is that the developer will be constructing Mooney Street in its entirety, and the streetscape and pedestrian facilities would match similar streets within the area. There will be sidewalk on both sides of Mooney Street.

Mr. Gonzalez provided the rationale for each building, in response to Mr. Way's inquiry.

Mr. Schneier inquired about the location of retail uses.

Mr. Gonzalez responded that the intent is that it would occupy the entire ground floor of the proposed buildings along Riverside and both sides of Longshore Drive. Both the hotel and the garage on Longshore Drive would have a commercial component. The backsides of the building would be more private and have a greater vehicle circulation component. The two entry/exits for the garage will be on Mooney Street.

Mr. Chinnock inquired, outside of the parallel parking, what purpose Longshore Street serves. If the parking were to be removed, could Longshore not be a street but a pedestrian thoroughfare?

Mr. Gonzales responded affirmatively; that was actually the original concept. However, to achieve a vibrant, functioning commercial use, there must be ability to have vehicular deliveries and fire access.

Mr. Chinnock responded that he inquired about that possibility, as it would make this part of the District unique and more pedestrian friendly. The proposed development is very large. Is there concern about the traffic impact?

Mr. Hounshell responded that a comprehensive Traffic Impact Study (TIS) was completed with the implementation of this District.

Mr. Chinnock stated that he would assume that when that study was done, the anticipated volume was much less.

Mr. Hendershot responded that because the buildings that are proposed are larger than what was contemplated with the rezoning of this area and that accompanying TIS, that could be a basis for Engineering to request an updated TIS.

Ms. Harter inquired if there was any consideration for locating the office building on the north end of the site.

Mr. Gonzales responded that they did consider that, but the location primarily was dependent upon the massing and height of the buildings and how those elevations would "read" along Riverside Drive.

Ms. Harter inquired if the residential buildings would be apartments or condominiums.

Mr. Gonzales responded that they would be apartments.

Ms. Harter inquired if they had considered incorporating solar panels.

Mr. Gonzales responded that this is very early in the process; however, it is something that will be considered.

Ms. Harter inquired if the hotel would be connected via a covered walkway to the garage.

Mr. Gonzales responded that the only direct connections to the garage are from the residential buildings. The hotel and the office buildings stand alone; currently, there are no covered connections. These ideas will be considered further along in the process.

Mr. Supelak inquired about the plans for the corner of Tuller Drive and Riverside Drive. On the northeast and southwest sides, tables and chairs are depicted. What is between them?

Mr. Gonzales responded that existing utilities are located there, which will be screened.

Mr. Supelak inquired about the 3 open spaces. One appears to be a grassy plaza; another reflects an amphitheater-seating concept; another appears to have a lumbar street, zigzagging to navigate the drop in elevation.

John Woods, 462 South Ludlow Street, Columbus, OH 43215, stated that the open space off Riverside Drive on the north end is contemplated as having synthetic turf, cornhole accommodation, casual seating and shade trees. Both of the open spaces that front Riverside Drive have amphitheater style seating. The space to the south of that is contemplated as a hardscape surface with large circular benches around trees and dense under-story plantings. Lumbar streets is the technique they used to create an experience for accessing the lower terraced open spaces. The reason the streets are so long and zigzag is the intent to avoid having handrails. A large pollinator garden is envisioned between the sloped walks.

Mr. Supelak inquired about the open space at Mooney Street and John Shields Parkway.

Mr. Woods responded that it is contemplated as a walled-in garden, utilizing low walls. This will provide a shared space separated from the street and the hotel.

[Discussion continued regarding accommodating the grade and stepping the floor plates.]

Mr. Fishman inquired the total count of the apartment units.

Mr. Gonzales responded that there would be 185 units.

Mr. Fishman inquired how many parking spaces would be provided in the garage.

Sarah Wilson, 5500 New Albany Road, Columbus, OH 43054, stated that that there will be 825 parking spaces in the garage and 106 on-street parking spaces for a total of 931 parking spaces. This is 9 spaces in excess of the total required.

Mr. Fishman inquired how many rooms would be in the hotel, as he assumes the hotel would share the garage parking.

Mr. Gonzales responded that there are 147 rooms in the hotel.

Mr. Fishman inquired if the apartments would be one, two or three bedrooms.

Mr. Gonzales responded that there would be a mix. The breakdown is provided in the plans.

Mr. Way inquired if because Tuller Road is a principal road, it is required to have active frontage.

Mr. Hounshell responded that typically, it would; however, Riverside Drive is the priority roadway. It does have some specific requirements. For the parking garage, Tuller Road would be the primary frontage. For buildings along Riverside Drive, Riverside Drive will be the frontage.

Mr. Way stated that, per Code, the parking garage should have a liner building along Tuller Road.

Mr. Hounshell responded affirmatively.

Mr. Way inquired if the applicant had considered putting a liner building along Tuller Road.

Mr. Gonzales responded that they had considered it, but the decision was in favor of the larger open space. They do have a retail space that pulls the northwest corner of Tuller and Longshore. The grade along Tuller creates a substantial challenge and limitations.

Mr. Way stated that he raises this question in the context that there will be other proposals coming forward along Tuller Road, which will require buildings to have a frontage. The Commission needs to be consistent in how Tuller Road is addressed, as it begins to redevelop. Mr. Way stated that the route from Emerald Parkway along Riverside Drive to Bridge Park funnels a large volume of traffic. To park in this particular parking garage, an individual would need to turn left on John Shields Parkway, not on Longshore Street, then up to Mooney Street and back to the garage. There is no left turn off Riverside Drive onto Tuller Road.

Mr. Hendershot stated that the access management at Tuller Road is right in/right out. There is a median there.

Mr. Way stated that his point is that as this area has evolved, the intersection of Tuller and Riverside Drive is changing. Could a signal be placed there in addition to the one that is at Emerald Parkway?

Mr. Hendershot responded that is an issue that would be looked at and evaluated with the Traffic Impact Study (TIS).

### **Commission Discussion**

Ms. Call referred to the 6 questions provided by staff to guide the Commission's discussion. This is an Informal Review, so the project would return for future reviews.

Mr. Chinnock stated that, as Mr. Way pointed out, turning from Tuller Road and again onto Emerald Parkway is very challenging. In general, he is supportive of the site layout, although he believes it is significantly over scale. He was hopeful that something different could be created and not more of the same that is occurring in Bridge Park, so he would encourage the applicant to think about the unique possibilities of the site. He is very concerned about the proposed building heights. Although he appreciates the bookend intent, he believes the proposed 11-story buildings would feel very tall here. He appreciates the proposed open space, as it will provide something different. He is not a proponent for a gateway feature here, as he does not believe it is that important. Because the intent is that this development will be part of the Bridge Park development, it should not have a unique gateway feature to delineate this block separately from Bridge Park. He would prefer to see the area flow with the Bridge Park area. This scale of this development will have a huge impact on The Grand's visibility. He would encourage the applicant to extend a good neighbor outreach to them and have a conversation about the concerns that they might have.

Ms. Harter stated that she is concerned about the proposed site layout, which is massive. She is supportive of the proposed street extension and the open space. She would be supportive of the residential component being made condominiums rather than apartments. The rooftops of the buildings could provide gathering places; rooftop gardens can be attractive. Balconies can provide an opportunity for the residents to access the outdoors.

Mr. Way stated that he will be happy to see the extension of Longshore Street, but this end of the street needs a unique anchor. Longshore Street ties together the Bridge Park area. In contemplating the uses, he wonders if the hotel could be placed at the end and serve as an anchor. He would encourage the applicant to think about how best to terminate this experience, as it will extend no further than the existing Animal Clinic site. He would encourage the applicant to consider mixing the uses differently. He is supportive of the proposed architectural character. He understands that the large area is intended to accommodate the grade. He believes the proposed open space would be unique, but there are no uses lining it. The 1/2-acre space may be bigger than it needs to be in Bridge Park. Activation of the space will be very important. He wonders if it would be better to place the open space along Riverside Drive, and the building could take up the grade. The open space then would be surrounded by activity on three sides. He would ask them to consider that alternative, as there would be a view of the river from the open space. As currently proposed, the buildings in front of it would block the view of the river. The proposed open space is not well contained, and he would encourage them to adjust it, make it smaller and attempt to make it much more active and integral with the surrounding uses. The smaller open spaces are fine; they follow the precedent set in Bridge Park. He has two comments about a gateway feature. Because of the stairs to the tunnel, the corner of John Shields Parkway has been taken out of commission. The other corner still has the ability to become something that is very active and different. He believes that should be considered. In the past, architecture has been considered to achieve gateway elements, and that has been difficult. He believes that an open space plaza

concept on that corner would be a better direction. That being said, the other gateway corner at Tuller Road needs an architectural element. Currently, it is an open space field. The experience does not begin until further down in the Bridge Park area. There is an opportunity at the Tuller Road corner to create a gateway into the Bridge Street District.

Mr. Supelak stated that he is supportive of the proposed uses but the general site layout needs some work. He believes that the proposed height of 10 or 11 stories is too much, relative to the surrounding context. He also believes the clustering of the residential buildings is problematic. The hotel could be placed on Riverside Drive, and the residential component could be buried more internally in the experience. The parking garage is large and articulated on one side, but not on the Tuller Road side. He would advocate for having a commercial presence there. It will be different than the internal commercial presence along Longshore Street, but it would be critical for the future development along Tuller Road. Having access to the parking garage only along Mooney Street will make it difficult to find. It is important to make the parking easily accessible to make it work well. The catwalk from the garage to the residences is good, but other people coming to/going from the District will find the parking difficult. Typically, egress occurs along Mooney Street and ingress into all the parking areas occurs along Longshore Street in a variety of ways. The danger is that the proposed parking garage will be lost and forgotten, if there is no access point along Longshore Street. The architectural character is good, but he would advocate for variety, not a unified block. He particularly appreciates the intriguing pass-through on the hotel building. As proposed, the two residential buildings unfortunately appear to match; he would encourage that they do not match. He is supportive of the extension of Longshore Street. He agrees with Mr. Way about the large open space. While the lumbar approach is unique, much space has been dedicated to terraces that will look pretty but not be used. We do not want to miss the opportunity to create a meaningful space that has usability and usefulness that activates it naturally. He considered the amphitheater seating, and wonders if there might be an opportunity for it to step down to a stage. "If you build it, they will come," and "Walk toward the music." That type of activity would move past being pretty; it would invite the area to blossom into something that would benefit all the proposed buildings in the block. The goal is activate the fabric effectively for everything else around it. Mr. Way has made some good suggestions that he would encourage them to consider. It is important to focus on the street-level experience. There may be no more important gateway corner than that of Tuller Road and Riverside Drive. He would be supportive of an architectural gateway feature here. A plaza element could work well toward John Shields Parkway, perhaps reducing the other proposed open space. Addressing the street level well will give everything else energy.

Mr. Fishman inquired the number of stories in the highest building currently existing in Bridge Park, besides the hotel.

Mr. Hounshell responded that the tallest building along Riverside Drive is Building D2. It is 6 stories, approximately 92.5 feet in height. It is an office building with retail/commercial on the first floor. There may be a couple of taller buildings internal to Bridge Park area.

Mr. Fishman stated that 11 stories is much higher than any existing buildings. The 5 massive buildings are packing too much in a small space. Rather than the giant parking garage, perhaps the same number of parking spaces could be provided under the residential buildings. Because this is in the early stages of the development, the applicant is able to be very creative with the buildings. There is already an abundance of "square box" development in Bridge Park, and something much more creative is needed for this site. Currently, 5 giant "boxes" are proposed on the site. He believes 11-story buildings are too high, essentially out of character for Bridge Park. The applicant will need to be very creative with the five huge box-like areas on the site.

Mr. Schneier stated that he believes the Tuller Road-Riverside Drive intersection is very problematic. Perhaps this project can facilitate resolving that issue. With respect to the question about proposed uses and general site layout – he believes one of the uses missing from the Bridge Park area is retail versus commercial. He would be supportive of any efforts to engage retail uses in this project, as opposed to the traditional office and commercial uses. In regard to the architectural character and mass and height – he is not troubled by the proposed height of the buildings on Riverside Drive. We want to see an urban, downtown look. He has some concern with respect to the two buildings on Longshore Drive, which will be adjacent to The Grand. A waiver of the Code height requirement would be necessary to approve that height. In regard to parking -- it is necessary to provide adequate parking for the development without significantly increasing the presence of vehicles in the area. The applicant is providing more parking than currently required, There is a question as to whether the Bridge Street Code might actually require too much parking. Parking must be provided on the street, in a parking garage or underground. He recommends the applicant take another look at how best to provide the parking, specifically as to whether the massive parking structure is necessary. It may be possible to disseminate the parking somehow so that the proposed parking structure next to The Grand does not need to be so grand. He likes the concept of the extension of Longshore Drive. Traveling south toward Bridge Park, this project will be what motorists will see first. Should Longshore Drive have more of a presence? Should it provide a gateway element? There has been some comment as to whether a significant gateway on Riverside Drive is important. He believes that a north gateway to Bridge Park is important, and it should make a statement. Additionally, Riverside Drive is not very inviting to pedestrians. Ohio weather is not particularly conducive to outdoor dining, and there is little retail. Bridge Park is essentially a concrete jungle. Located on the northernmost edge of this District, this development has the opportunity to add retail and make the area more inviting to pedestrians. In regard to the open space – he likes the Lombard pedestrian walk; the concept is different and inviting. It provides an interesting way to avoid the use of handrails. The proposed plan is impressive, and he looks forward to seeing the next version.

Ms. Call stated that she would reiterate much of what Mr. Schneier and Mr. Way have said. The plan is thoughtful and has a good “feel”; she likes the street level engagement. In general, she is supportive of the proposed uses but shares a concern about the height of the residential structures. The City of Dublin discourages the view of residential structures from the I-270 corridor. Vehicles on the northeast loop of I-270, in particular, will have a view of the proposed residential component. That is something the City has not been supportive of in the past. Additionally, 11-story buildings are definitely too tall, too monolithic. She likes the bookend concept, but the hotel or an office structure could provide that component. While retail is not what it used to be, there is some opportunity for it here. Overall, the level of consideration invested in the proposed plan, including the parking counts, the look and feel, the bookend concept and the Riverside Drive frontage are evidence of a great planning effort. The Commission is looking forward to working with the applicant on the execution of this development.

Ms. Call inquired if the applicant sought any additional clarification or direction from the Commission for this Informal Review.

Ms. Wilson requested clarification of the left turn issue and location, referred to by Mr. Way. She believes it was at Tuller Drive and Riverside Drive.

Mr. Way responded that he is not advocating for anything in particular. He was pointing out that, currently, it is a restricted intersection, a gateway area and offers no pedestrian crossing. If a TIS

will be done and will be looking at this intersection, he suggested consideration of making it a full access intersection, if possible. Right now, traffic circulation to get into this area of the District is very convoluted.

Mr. Supelak stated that a median exists at this particular intersection, and vehicles traveling south on Riverside Drive cannot turn left onto Tuller Road; Tuller Road is ostensibly a right in/right out intersection.

Mr. Way noted that, in addition, the left turn to Emerald Parkway on northbound Riverside Drive begins at the Tuller Road intersection, which further complicates traffic movement.

Mr. Supelak stated that the Commission advocates for the City assessing the opportunity to consider re-adjusting that intersection.

Mr. Hendershot agreed that the left turn to Emerald Parkway, which develops at the Tuller intersection, is a challenge, so that intersection will be assessed with the TIS.

Mr. Gonzales referred to the landscape plan and pointed out that a very large amount of rock exists on the site, similar to what was encountered in the existing Bridge Park area. The original plan was to provide underground parking, but it was not possible due to the amount of rock. The grade change from the parking garage on the Mooney elevation to a line of retail on Longshore Street would be approximately 50 feet. Further investigations will occur, but the rock is anticipated to be an issue. That is something the Commission should be aware of when discussing potential liners in this area. There was a comment that perhaps the number of parking spaces could be reduced. Is it a realistic expectation that the City would be willing to reduce the parking requirements so that we could incorporate opportunities to enliven the site? Currently, he is unsure if the parking garages in Blocks B, C and D are at full capacity.

Ms. Call responded that in the past, the Commission has entertained shared use agreements and considered reductions in parking requirements on individual parcels, particularly when they were as large as the one under discussion, if there was evidence that the amount of spaces required was not needed.

Mr. Fishman stated that he is not in favor of providing a lower number of parking spaces, but is in favor of disseminating the spaces within the block, rather than having one very large parking garage. He believes the applicant has assessed and arrived at a correct parking count for this development.

Mr. Supelak pointed out that at on the other end of Longshore Street, a good amount of parking is present, but not omnipresent. Typically, the parking counts in Bridge Park are working. Historically, Crawford Hoying has been monitoring the parking counts, so they should be able to provide any needed data. There is merit in camouflaging the parking structure, while making the access easy to find and the proximity easy to find. Two access points on Mooney Street would be difficult to find and would give the perception that this area is without parking. Providing one access on Longshore Street would provide public awareness. He agrees that there could be some consideration for breaking up the parking and providing more access points in general. Frontage along Tuller Road could add camouflage, and "skinning" could be added to the garage, as well.

Mr. Gonzales stated that they initially tried to provide a garage access on Tuller Road, but ramping up to the higher grade would have eliminated much of the parking. The main idea was to keep the site more pedestrian.

Mr. Chinnock noted that he personally would be supportive of a reduction in the total parking count if there is proof that the revised parking count would adequately cover the need.

Mr. Fishman inquired if the rock on the site is prohibitive to placing the parking under the apartment buildings.

Mr. Gonzales responded that the rock is not prohibitive to placing parking under the apartment buildings. It is an issue on the eastern side of the block where there is also the grade change.

Mr. Fishman stated that he believes placing parking under the apartment buildings is worth consideration. The primary item in the proposed development that he has an issue with is the large parking garage.

Ms. Call stated that the Commission looks forward to seeing the revised plan at the next development phase.

## **NEW CASE**

### **3. Solar Panels, 21-151ADMC, Administrative Request - Code Amendment**

A Code Amendment to provide regulations in regard to solar panels for residential and commercial properties within the City of Dublin.

#### **Staff Presentation**

Ms. Noble presented the case background. Several previous discussions have occurred with City Council, Planning and Zoning Commission, the Board of Zoning Appeals and the Architectural Review Board regarding the need for a Code Amendment to provide regulations for renewable energy equipment, in particular, solar panels, on both residential and commercial properties. At their September 15, 2022 meeting, the Commission reviewed proposed Code language and provided recommendations that have been incorporated into the revised Code amendment for the Commission's consideration tonight. The regulations are proposed to be added to Code Section 153.074 - Accessory Uses and Structures within the Zoning Code and will be applicable to all residential and commercial zoning districts. Staff has researched the number of solar panel installation permits have been issued in the City in the last 10 years, and learned that 74 permits that have been issued, primarily for residential properties. Ms. Noble provided an overview of the proposed solar panel regulations. If the Commission is satisfied with the draft Code, staff requests a recommendation of approval be forwarded to City Council.

#### **Commission Questions/Discussion**

Mr. Supelak inquired if the proposed language, "architecturally integrated" or "incorporated as a material," is sufficiently effective and future proofed.

Ms. Call responded that the needed clarifications are provided in #2 under General Provisions, which states that, "any solar-generated material that functions as a building material, such as window, roof or other residential or commercial material, shall be reviewed as a building material."

Mr. Supelak inquired if that means solar bricks would automatically be approved because brick is an approved material.

Ms. Call responded that the material would be reviewed. If it is a master development, the application would be reviewed by PZC; individual home applications would be reviewed by Building Standards.

Mr. Supelak stated that the Building Standards' evaluation is limited to the material's structural performance as a brick. Are we comfortable with that? Building Standards staff do not aesthetically evaluate the building material.

Mr. Boggs responded that if the item performs as a building material – has the structural integrity of a brick and look of a brick – it would be evaluated as a non-solar brick. The objective of the Code, as drafted, was to avoid the step of evaluating its solar functionality.

Ms. Call inquired if the Commission was in agreement with that objective.

[The majority of members expressed agreement.]

Mr. Schneier stated that if the brick, window or shingle meets the building material requirements, the fact that it also has solar capability is not relevant to whatever approving body reviews and approves it. The draft language covers that intent. It does not adversely impact a material with solar qualities.

Mr. Supelak stated that Commission members are in agreement that if the material is architecturally integrated, it should be considered as a building material. However, neighborhoods also have protocols in place regarding the choice of bricks, and a solar brick is a different brick.

Mr. Schneier stated that if a solar brick is proposed that, due to its function, looks different than a standard brick, the intent is that it would not be permitted based on the fact that its appearance is different than the approved brick. The solar building material should not be held to either a higher or lower standard.

Mr. Fishman stated that his concern is that the argument will be made that the material functions as a brick and looks fine, although somewhat odd.

Mr. Supelak stated that his concern is that the Building Department does not evaluate the aesthetic factor.

Ms. Rauch stated if it is a commercial development, PZC would be reviewing the building materials. If it is in a standard district, the Commission would not see those applications. The Commission would review and approve the proposed building materials for a PUD.

Mr. Supelak responded that if the Commission sees the application, they have the opportunity to evaluate the aesthetics of the solar brick. However, if the application is not reviewed by the Commission, perhaps because of the district in which it lies, does Planning staff evaluate the aesthetics of the materials?

Ms. Rauch responded affirmatively. The building permit review does not consist only of the construction component; there is a zoning component, as well. Zoning staff looks at the development text to determine what is permitted by that text.

Mr. Supelak stated that was the component he was attempting to determine – the process that ensures that the aesthetic of the material is acceptable for that development district.

Ms. Call suggested that #2 be removed under “Building Roof Mounted,” which states that “Building or roof-mounted equipment is permitted to the front of.....only if it is integrated with the architectural detail.” #1 could be expanded to include that clarification.

Ms. Noble responded that the language would be revised and #1 would provide the location details.

Mr. Way stated that the proposed language applies to residential and commercial districts. Does the commercial district cover everything, including industrial and institutional?

Staff indicated that clarification would be added.

Mr. Way inquired if it would be better to provide separate regulations for residential and non-residential districts, even if some language is repetitive.

Ms. Rauch stated that staff looked at that possibility. However, because the requirements are essentially the same, the two were consolidated. The only element in a commercial district that is different is the percentage of lot coverage. There is not a separate non-residential section of the Code.

Ms. Call inquired if the requirement that colors shall be complementary to the roof is important to include.

[Consensus was that it was important to include.]

Ms. Call referred to ground-mounted, renewable energy equipment requirement, "shall be sited to minimize view...and shall be camouflaged to the extent that the equipment can function normally." Does that mean that if landscaping would cast a shade part of the day, the argument could be made the equipment is not functioning normally?

Mr. Way responded that functioning normally does not mean 100% of the time.

Ms. Harter stated that it is important that the equipment be camouflaged, regardless of the homeowner's particular site situation.

Mr. Way suggested the word "camouflaged" be revised to "screened."

Mr. Chinnock stated that "shall be camouflaged" could be removed, and leave "minimize the view from the public right-of-way and adjacent properties." The Code does not need to address "function properly."

[Discussion regarding screening continued.]

Ms. Rauch stated that the requirement could default to the service structure screening requirements.

Ms. Call requested Commission consensus on removing #2 under "Building Roof-Mounted," as it is non applicable.

Commission consensus was to remove.

Ms. Call requested Commission consensus on revising "camouflaged" to "screened according to the general standards for service equipment," and remove the language, "can function normally." Commission consensus was to revise accordingly.

Discussion continued regarding the solar panel extension above the roofline or ridge line of the roof. The Commission recommended that the language be revised from not above 18 inches from the roofline to 12 inches. Staff will investigate the appropriate dimension further and revise as needed before the draft Code is forwarded to City Council for consideration.

Ms. Harter inquired about the stipulation that the solar panels be in working order or be removed. State laws address the aspect of maintenance in greater detail.

Ms. Noble responded that the City's Code already includes regulations for property maintenance.

Mr. Boggs stated that the State law does not address what the City can do in regard to regulations, so the City can address maintenance issues in its usual manner.

Mr. Fishman stated that #3 states that the solar panels must be maintained or removed, so the City can enforce that. He believes there could be a problem when the equipment becomes obsolete and no longer used, similar to the current issue with obsolete TV antennas. If the equipment is not functioning, it must be removed.

### **Public Comment**

Jillian Dyer, 2273 Indian Avenue, Columbus, OH:

"I am not a resident of Dublin, but I work for a solar company based in Dublin and have considered moving to the area. I recently joined a resident to apply for a zoning variance for roof-mounted

solar panels, as there was no other viable place to install them. It was disappointing and disheartening to find that there is a Code being enforced that is not actually written. While a resident could build a shed with a front-facing roof and install solar on that, they cannot put them on their house. However, I am writing today as a resident of central Ohio and as an advocate/activist for climate issues, clean energy alternatives, individual choice and individual property rights. People who end up in homes that are automatically disqualified from solar because of a lack of a zoning code are at a disadvantage. Whether they are looking for financial or environmental benefits, this also impacts a wider community. More people producing power through their solar panels when the excess production goes back onto the grid is good for all of us. Studies have shown that solar panels increase not only the value of the home on which they are installed but the entire neighborhood. People who cannot install are still benefitting. Many jurisdictions have limitations on solar including provisions that do not allow solar to be installed on street-facing roofs; however, there is usually an avenue for residents to install if they have no other options. This usually occurs when the only usable roof plane faces the street. In central Ohio, roof panels should not be installed on north-facing or excessively shaded planes. They do not produce enough energy for it to make sense. Banning solar outright for people who cannot install on side or rear-facing roofs only creates a vacuum for nonreputable companies to take advantage of people who are not allowed to install the most efficient options. It's 2022. We do not have more time to waste when it comes to climate issues. Taking action has been pushed onto individuals for so long, and we should not be creating roadblocks for people who want to take action and not allowing individuals to pay a role in a systematic issue. Please consider moving quickly on this issue."

The Commission had no further questions or discussion.

Mr. Supelak moved, Mr. Way seconded a recommendation for City Council approval of a Code Amendment regarding Solar Panels.

Vote: Mr. Schneier, yes; Mr. Fishman, yes; Mr. Chinnock, yes; Ms. Call, yes; Mr. Way, yes; Ms. Harter, yes; Mr. Supelak, yes.

[Motion carried 7-0]

## **COMMUNICATIONS**

Ms. Rauch reminded PZC Members of the following:

- The need to complete City cybersecurity training by November 25, 2022.
- The Evening of Gratitude event for City volunteers at The Exchange, 6:00 pm, Wednesday, November 2, 2022. If Commission members wish to attend, please RSVP to the invitation received.

The next regular meeting of PZC is scheduled for 6:30 p.m., Thursday, November 3, 2022.

The meeting was adjourned at 8:58 p.m.

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Chair, Planning and Zoning Commission

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Assistant Clerk of Council