

# PLANNING REPORT

## Planning & Zoning Commission

Thursday, October 3, 2024

# Penzone Live-Work Building 24-077PDP | 24-078FDP

<https://dublinohiousa.gov/pzc/24-077/> <https://dublinohiousa.gov/pzc/24-078/>

### Case Summary

Address	PID: 273-0009121
Proposal	Preliminary Development Plan (PDP) and Final Development Plan (FDP) for construction of a live-work building and public art park on the existing Penzone campus.
Request	Request for review and approval of PDP and FDP under the provisions of Zoning Code Section 153.053.
Zoning	BSD-SCN – Bridge Street District Sawmill Center Neighborhood
Planning Recommendation	<u>Approval of Waivers</u> <u>Approval of PDP and FDP with conditions.</u>
Next Steps	Upon approval of the Waivers, PDP and FDP, the applicant may work with staff to meet the conditions of approval. Subsequently, the applicant may apply for permits through Building Standards.
Applicant	Zach Zaworski, Meyers + Associates Chris Meyers, Meyers + Associates
Case Manager	Rati Singh, Assoc. AIA, Planner I (614) 410-4533 <a href="mailto:rsingh@dublin.oh.us">rsingh@dublin.oh.us</a>



### Community Planning and Development



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Site Location Map

24-077PDP | 24-078FDP - Penzone Live/Work Building



**Site Features**

- 1 Proposed Live-work Dwelling
- 2 Public Open Space
- 3 Future Expansion



# 1. Background

## Site Summary

The 2.36-acre site is zoned BSD-SCN, Bridge Street District Sawmill Center Neighborhood, and is located south of the intersection of Village Parkway and Cooperstone Drive. The site contains a 206-space parking lot, originally built in 1991 as overflow parking for the neighboring AMC Theater. The site is adjacent to the Greystone Mews neighborhood to the west, the Dublin Village shopping center to the east, and the AMC Theater to the north across Village Parkway. There is a retention pond directly south of the site.

This parcel is one of two parcels associated with the Penzone development. The adjacent 3.52-acre parcel, located south of the subject parcel, contains Penzone Base One and the Penzone Salon and Spa Building, along with 143 parking spaces. The Penzone Base One building was built in 1991 and received approval in March 2023 for façade updates. The Penzone Salon and Spa building was built in 2016.

The site currently includes a 54-inch stormwater line, 18-inch stormwater line, 12-inch stormwater line, and various easements, limiting the location of the building on the site.

## Case History

### *December 2023*

The Planning and Zoning Commission reviewed and approved the Concept Plan with the following conditions:

- Develop open space with Phase 1 of the development
- Modify orientation of the building to provide a visible public entrance on the north/northeast elevations
- Integrate the building design and siting into the design of the proposed public park
- Demonstrate stormwater management compliance in accordance with Zoning Code Chapter 53
- Investigate the locations of utilities and easements with staff

### *August 2023*

The Planning and Zoning Commission (PZC) reviewed and provided feedback on an informal proposal for a live-work design concept at the site, voicing general support for the live-work concept and park, with concern for the number of waivers.

## Process

The BSD requires all new developments to comply with the form-based provisions of the Code and meet the principles identified in the BSD Special Area Plan. The PZC is the final reviewing body for the PDP and FDP, which are the last steps of the review process. Per Code, the applicant has submitted a combined PDP and FDP application, which Staff has the authority to allow.

- Informal Review (Optional Step)
- Step 1 – Concept Plan (CP)
- Step 2 – Preliminary Development Plan (PDP)
- Step 3 – Final Development Plan (FDP)

## 2. Bridge Street District

### BSD-SCN Bridge Street Center-Sawmill Center Neighborhood

The site is zoned BSD-SCN, Sawmill Center Neighborhood District. SCN offers an opportunity to provide a vibrant, active, mixed-use environment. Development design is encouraged to implement park-once visits, window shopping, impromptu gatherings and sidewalk activity. Development should be well connected to the existing and future streetscapes, while encouraging interconnected site layouts with well-defined pedestrian access.

### Street Network, Lots, and Blocks

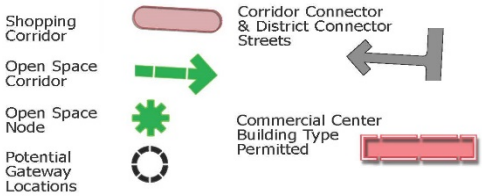
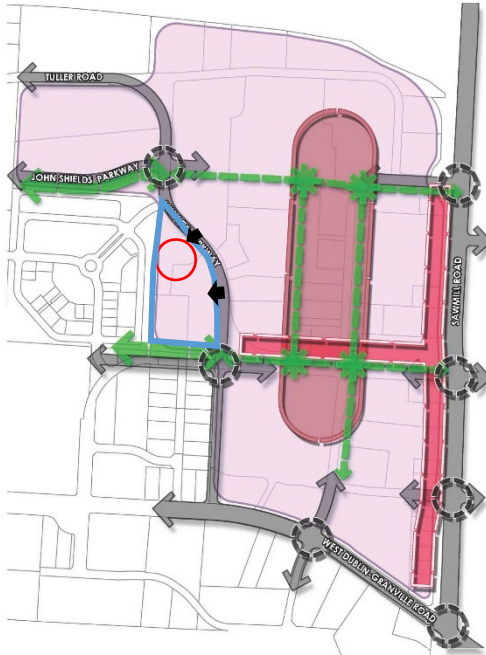
The Code provides a hierarchy of requirements for establishing a grid street network. The Street Network Map, part of the Thoroughfare Plan, identifies three families of streets:

- 1) Corridor Connectors
- 2) District Connectors, and
- 3) Neighborhood Streets.

The site is oriented toward Village Parkway, which is designated as a District Connector and Principal Frontage Street (PFS). PFS designated streets are designated to ensure a continuous, pedestrian-oriented block. The entire Penzone site (highlighted in blue on the map to the right) currently includes 2 vehicular access points centrally located on the east side of the site. This proposal would not modify the location and number of access points on the site.

### Future Land Use Map

The Future Land Use (FLU) recommendation for this site is Mixed Use Urban. Mixed Use Urban accommodates a strong mixture of uses in an active and highly walkable environment. A variety of building types ranging in height from two to six stories may incorporate commercial, residential and institutional uses in various combinations. Buildings are located close to public sidewalks and parking is accommodated through a mixture of on-street spaces, building-integrated facilities, strategically located surface lots and stand-alone parking structures.



## 3. Project

### Summary

The applicant is proposing a development of 4,812 square-feet and a public park on the 2.36-acre site. The proposed development includes a 2,978-square-foot Live-Work loft building, 1,544 square-foot garage and a 290 square-foot outbuilding. The ground floor of the proposed live-work will operate as an art studio with a public art gallery, and a private residence will be located on the second floor. As the applicant stated with the Concept Plan, access to the public gallery is by invitation only. Additionally, the development would eliminate approximately 150 parking spaces from the existing 206 parking spaces on the parcel. These improvements are

considered under Phase 1 of the development of the site. Phase 2 is not proposed with this application, and would require PZC approval in the future. As discussed at Concept Plan approval, Phase 2 plan indicates a future phase of the site that would include 2-story and 3-story Loft buildings along the Village Parkway frontage.

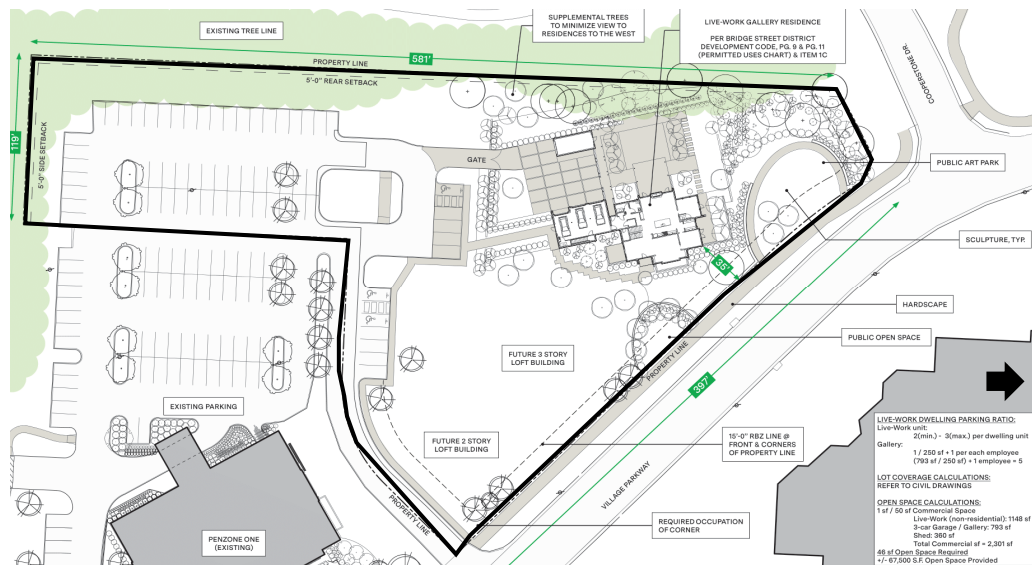
### Use

Live-Work dwellings is a permitted use in the District, required to have no more than 2 non-resident employees in addition to the resident(s) of the dwelling. Additionally, the non-residential use must be operated by a resident of the Live-Work dwelling unit. The Zoning Code defines the use as a structure including principal non-residential uses with residential dwelling connected with each other. The predominant character of the structure is intended to be harmonious with residential areas.

### Site Layout

Based on the Commission’s feedback and the conditions of approval at Concept Plan, the applicant has relocated and reoriented the building, bringing it closer to Village Parkway to better meet the intent of creating an urban form on the site and blending the building design into the public park. This would allow for integration of pedestrian circulation with Village Parkway, and better address the Village Parkway frontage.

The 2,978-square-foot Loft building with an attached garage is now sited at an angle in the northeast portion of the parcel at a setback of approximately 35 feet from Village Parkway. The Public Art Park and public open spaces are located along Village Parkway. The outbuilding is located along the western side of the site. Pedestrian and vehicular access is provided from an existing access drive east of the site. A gated private drive is proposed on the west side to access the live-work unit, which will be used by the residents. A 4-foot high fence will be installed along the west property line for privacy purposes. The southeast portion of the site is intended to be used for future development.



Site Plan

## Building Type Analysis

### *Siting*

A Loft building type is a building type specific to the Bridge Street District that is permitted in the SCN District. Loft buildings are required to be sited within 0-15 feet of the front property line, which is the Required Build Zone (RBZ), and occupy 75% of the front property line. The building type requirements reflect the intent of the Bridge Street District, to create a more urban form of development, with buildings fronting public streets to engage the streetscape and provide parking to the rear of developed sites. These requirements are intended to contribute to creating an urban, walkable, pedestrian-oriented district. Due to the easement constraints, the development is sited outside the RBZ and does not meet the front property line coverage requirement with the Phase 1 development. Waivers are required to meet both requirements.

**The applicant's drawings label the primary building elevation facing Village Parkway as the "North Elevation" (with the other elevations labeled accordingly). This is a leftover from the Concept Plan where the building was oriented differently. Based on the current orientation, this report lists the primary building elevation as the "East Elevation" with the other elevations noted accordingly.**

### *Street Frontage*

For a Loft building, an accessible principal entry must be located on the principal street façade. Due to the complexity and uniqueness of the project, the principal entrance is on the south elevation and not on the primary street façade, thus requiring a Waiver. A door is provided on the east elevation, however, to provide a visual connection to Village Parkway (although it is not accessible from the street).

### *Buildable Area*

The maximum permitted impervious coverage for the Loft Building Type is 80 percent with an additional 10 percent semi-pervious. With the proposed Phase 1 building and the reduction in the existing parking spaces, there is approximately 60% decrease in the existing impervious area. The minimum rear and the side yard setbacks are 5 feet and the proposed building is in compliance with the Code.

Per OBC 508.5, the maximum permitted building area is not be greater than 3,000 square-foot for a live-work building. This information was shared with the applicant during the Informal Review stage and at Concept Plan. The current live-work building area does not include all the defined spaces per building area definition calculation and there a few discrepancies with the total square footage. The applicant has agreed to work with staff to ensure that the total building area is in compliance with the Building Code and is within maximum permitted square footage. After the PDP and FDP approval, the applicant must ensure that all the other Code requirements are met without necessitating a Waiver.

### *Façade Requirements*

The building is required to provide a minimum of 60% transparency along street-facing facades and 20% transparency along non-street facades. The transparency calculations are listed below, and the full façade transparency requirement on the street facing façade requires a Waiver. As stated above, the applicant indicates the street-facing elevation as North; however, staff has determined it to be the East elevation.

Street facing façade transparency			
	Required	Achieved	Criterion Met
Ground floor transparency	60	62	Yes
Full Façade transparency	60	45	<b>No</b>

Non-Street façade transparency requirements			
	Required	Achieved	Criterion Met
West Elevation (labeled as South Elevation in application materials)	20	48	Yes
South Elevation (labeled as East Elevation in application materials)	20	28	Yes
North Elevation (labeled as West Elevation in application materials)	20	32	Yes

Blank wall limitations are required, whereby Code does not allow more than 15 feet of horizontal surface to be windowless. Based on the design limitations and the location of the garage, a Waiver is required for the front façade to meet the blank wall limitation requirement. The blank wall limitation on all the other façades are met.

Per Code, a minimum of 80% of each façade visible from street or adjacent property shall be constructed with primary materials. For façades over 1,000 square feet, a combination of permitted primary and secondary materials may be used to achieve the 80% requirement. Listed below are the primary material calculations for all the facades. The primary material requirement for the west façade is under 80% requiring a Waiver.

Primary Materials (Minimum required 80%)			
	Required	Achieved	Criterion Met
East Elevation (labeled as North Elevation in application materials)	80%	89%	Yes
West Elevation (labeled as South Elevation in application materials)	80%	82%	Yes
South Elevation (labeled as East Elevation in application materials)	80%	84%	Yes
North Elevation (labeled as West Elevation in application materials)	80%	76%	<b>No</b>

Permitted primary materials are stone, manufactured stone, full-depth brick, and glass, and secondary materials (which are limited to details and accents) include glass fiber reinforced gypsum, wood siding, fiber cement siding, metal, and exterior architectural metal panels. The applicant is proposing five different exterior materials, with Eldorado Stone stacked stone veneer in White Elm, Petrarch Engineered Stone Panels in Alabaster Smooth, and Kawneer Trifab Versa Glaze Glass Store Front system as primary materials. Trespa Wood Siding in Romantic Walnut and DynaClad metal clad fascia in Dark Bronze color are proposed as secondary materials. It is to be noted that the cross-section shows fiber cement fascia; however, the applicant is proposing DynaClad for the fascia.

The glass storefront system, wood siding, and engineered stone panels were approved for Penzone Grand Salon in 2016. These are high-quality materials with an urban appearance, as required by the BSD Code. The overall aesthetic is cohesive and maintains a contemporary appearance. Per the site sections, the applicant proposes to use a metal decking roof system.

### *Height*

For a loft building, minimum building height is 2 stories, with a maximum building height of 4.5 stories. The applicant is proposing 12' roof height on the first floor and 14' roof height on second floor, meeting the height requirements for the loft building.

### **Open Space**

Open Space requirements within the Bridge Street District are dictated by the number of commercial or residential units in the development. The live-work use designation would require 1 square foot/50 square feet of commercial development and a minimum of 200 square feet of open space for the dwelling unit. For a mixed-use scenario, the requirements for open spaces are individually calculated. Based on the total square footage of the live-work development, 238 square feet of open space is required. The applicant proposes 2,883 square feet of Public Art Park, which is easily accessible from the sidewalk, and an additional 983 square feet of public open space along Village Parkway. Both public spaces are easily accessible and within 660 feet of the principal public access, as required by the Code. A street wall and a seeded lawn facing Village Parkway define the proposed open spaces. The occupant will maintain the Public Art Park and the public open spaces. Based on the intended open space design, square-footage, and location the proposed open space can be classified as a pocket park. The total square footage is closest to minimum acreage required for a pocket park and meets the goals and objective, providing public gathering spaces and responding to the needs of anticipated users. Per Code, a pocket park must have a minimum area of 01.10 acres. With the inclusion of landscaped spaces around the proposed Public Art Park, this requirements is met.



The Public Art Park is designed to provide formal active and passive green space to the community, with a placeholder for a future freestanding art installation. The applicant must ensure that future art installations complement the adjacent land uses, contribute to the vitality of the open space network, and collaborate with the City in determining a reasonable timeframe for the art installation. The applicant is also proposing an art location within the parking island, opposite the Art Gallery entrance.

### **Access & Parking**

The current vehicular access is located centrally on the east side of the site and would not change. The pedestrian access is proposed through a new sidewalk connected to Village Parkway. A private gated access to the residents is along the west.

The Washington Township Fire Department has raised concerns about the auto-turn, and site adjustments may be needed to ensure that it does not pass through the parking. The applicant will continue to work with the fire department to ensure that the auto-turn is in compliance.



The site currently includes 206 parking spaces originally built for the AMC Theater in Dublin Village Center. The spaces are no longer required for the AMC Theater, and as stated earlier, approximately 150 parking spaces are to be removed. The applicant is providing 11 new parking spaces, including 3 ADA spaces, where 4 spaces are required based on the square footage of the art gallery and an additional 1 parking space per employee. The applicant has stated in the parking calculation that there will be no employees at the Art Gallery.

<b>Parking Plan</b>			
	Area	Required Parking	Parking Provided/ Existing
Art Gallery	808 square feet	4 <i>(1/250 square feet for ART Gallery)</i>	51(existing) + 11 (new) <i>including 3 spaces for existing Penzone Base One</i>
Existing Penzone Base One	13,482 square feet	68 <i>(1/250 square feet for Beauty/Barber)</i>	65 existing + 3 new
Excess Public Parking	55 spaces for future office building		

Per the code, a minimum of 6 ADA parking spaces are required, and the requirement is met. However, with any future development, the ADA parking must be reevaluated to ensure that the minimum requirements are met.

The residential use allows for a maximum of three parking spaces per dwelling unit. The applicant is proposing a three-car garage.

*Bicycle Parking*

Per Code, bicycle parking is required for any development or use with six or more required vehicle parking spaces. One bike parking space is required for every 10 vehicle parking spaces. The applicant is providing 6 bicycle parking spaces to address the bike parking requirements for both the existing Penzone building and the proposed Live-work development. The applicant is proposing Landscape Forms Loop Bike Racks in Black.

**Landscaping**

The overall landscape design includes a diverse mix of evergreen hedges, groundcovers, and deciduous and ornamental trees to maintain visual interest throughout the year. On the west side, dense landscape screening, consisting of existing trees and proposed landscaping, separates the proposed developments from the existing residential development to the west.

Per Code, the Required Building Zone (RBZ) treatment shall include landscaping, patios, or streetscape. The design of the Public Art Park and public open space incorporates streetscape elements, including a curved stone seat wall and this requirement is met. High-quality site furnishings are required to meet the walkability standards and ensure the comfort and convenience of the users. This includes providing trash receptacles with outdoor seating. The applicant shall work with staff and provide trash receptacles adjacent to the proposed stone wall.

The applicant is proposing to use Lang Stone (Shoreline Blue Vein) for the dry stack stone wall, with a Rockcast Wall Cap and buff-wash concrete sidewalk (natural) along the stone bench at the Public Art Park.

Brick pavers (Carbon Black) are proposed along the sidewalk leading to the front entry for the Art Gallery. The applicant is also proposing Bluestone pavers (Natural Cleft) for the internal private courts, in combination with concrete pavement, to achieve the desired landscaping pattern. Additionally, the applicant is proposing a freestanding 12' X 20' Struxure Pergola in Black at the private internal court.

### Sign

Per Code, building-mounted signs are intended to provide visibility for pedestrians and vehicles approaching from different directions, create an active streetscape, enhance the physical appearance of BSD, and contribute to urban vitality and shall coordinate with building architecture. Signs are limited to three colors, where black and white are considered colors.

Due to the restricted public use of the Art Gallery, the applicant is proposing the sign on south elevation, which is not facing the public street. A Waiver is requested to meet the sign location requirement.

Per Section 153.065 (H)(e), signs shall be made of high quality, durable, and low maintenance materials. The maximum permitted size for a wall sign is 8 square feet, installed at a maximum height of 15 feet. The proposed sign is 7.8 square feet, installed at a height of 7 feet – 2 inches, and constructed of extruded aluminum in SW 7048 Urbane Bronze, with 1/2" thick letters in extruded aluminum in Gost Common Font in White. The proposed signs meet the Standard Sign Code and the BSD Sign Guidelines.

### Lighting

Per Code Section 153.065 (F), pedestrian walkways and ground lighting are exempt from fixture power and efficiency requirements. Staff recommends the use of low-light-level bollards to illuminate pedestrian areas and walkways to ensure safety in the public access areas. The current lighting setup includes tree-uplights, wall wash uplighting, and lighted bollards along sidewalks, driveways, and parking areas. However, there is no lighting provided on the sidewalk and near the sign leading to the gallery entrance. The applicant must collaborate with staff to ensure consistent light levels are achieved in public access areas. Additionally, uniform light levels should be provided to the public open space facing Village Parkway, while ensuring that light does not trespass onto neighboring properties.

The light fixtures shown on the photometric plan are different from the site lighting fixtures listed in the fixture schedule. The applicant shall provide clarification on the proposed fixtures prior to Building Permit. Per Code the lighting shall have an average range from 1 to 3 foot-candles. The photometric plan shows a range of 0.1 to 1.4 foot-candles, which is below the Code requirement. The applicant must ensure compliant lighting levels-prior to submitting for building permits to meet the lighting standards.

### Engineering

Engineering staff will continue to review and provide additional review comments at the building permit process. The applicant must continue to work with Engineering to ensure the all the requirements are met.

## 4. Plan Review

Waiver Review		
Requirement	Request	Review
1. Street Frontage – Front Property Line Coverage <i>Section 153.062 (O)(4)(a)(1)</i>	To allow for front property line coverage less than 75%	<b>Criteria Met:</b> The need for the Waiver is caused by unique site conditions. The applicant is proposing a Public Art Park to create an active, walkable corridor.
2. Street Frontage (Front RBZ) <i>153.062 (O)(4)(a)(1)</i>	To allow for building outside the required RBZ 0-15', approximately at a setback of 35 feet	<b>Criteria Met:</b> Due to the existing storm water and easements, the proposed building is sited at the closest possible distance. With phase 2 development, it is anticipated that physical connections will be established.
3. Building Entrance (Principal Entry Location) <i>Section 153.062 (O)(4)(d)(3)</i>	To allow for principal entry location not facing the primary street façade of the building.	<b>Criteria Met:</b> Due to the uniqueness of the project and to ensure privacy, applicant is requesting the Waiver. The principal entrance is on the south façade, but a door is provided on east elevation to provide a visual connection to Village Parkway.
4. Street Façade Transparency <i>Section 153.062 (O)(4)(d)(1)</i>	To allow for full façade transparency less than 60%	<b>Criteria Met:</b> Even though the elevation meets the minimum required ground floor transparency, the full façade transparency is 45%. The design and the architecture of the proposed building meets the intent of the district, with high quality materials and design.
5. Street Façade Transparency (Blank Wall Limitations) <i>Section 153.062 (O)(4)(d)(1)</i>	To allow for blank wall on the front façade, where Code requires no more than 30% of each building façade per story, and no horizontal distance greater than 15 feet	<b>Criteria Met:</b> Due the design of the garage and the orientation of the building, the Waiver is required. With the proposed landscaping and the proposed materials, the black wall façade will not impact the intent of the District.
6. Façade Materials <i>Section 153.062 (E)(1)(a)</i>	To allow for 76% primary materials on West elevation where a minimum of 80% is required.	<b>Criteria Met:</b> The development is a high-quality design and based on the proximity and visibility from the neighboring

		property, staff is supportive of the Waiver.
7. Sign (Location) <i>Section 153.065 (I)</i>	To allow for building mounted sign on a wall not facing public street.	<b>Criteria Met:</b> The sign is located at the main approach to the building from parking lot. This is similar to Penzone Salon and is intended to ensure restricted entry to the Art Gallery.

**Preliminary Development Plan | Final Development Plan**

Criteria	Review
1. The proposal is consistent with the approved Concept Plan.	<b>Criteria Met:</b> This application is largely consistent with the approved Concept Plan, and the applicant has made changes per the conditions of approval at Concept Plan.
2. The development is consistent with the Community Plan, BSD Special Area Plan, BSD Design Guidelines, other adopted city plans, and related policies.	<b>Criteria Met:</b> The proposal is largely consistent with all adopted plans and policies.
3. The proposed land uses align with all applicable requirements and use specific standards.	<b>Criteria Met:</b> The proposed Live-Work is a permitted use in the Zoning Code within BSD-SCN.
4. The proposed buildings are appropriately sited and scaled to create a cohesive development character that compliments the surrounding environment, and conforms to the requirements of 153.062 Building Types and 153.065 Site Development Standards.	<b>Criteria Met with Conditions and Waivers:</b> The proposal is appropriately scaled and complements the existing buildings on the Penzone Campus. The Waivers address the unique site conditions and conforms to the loft building type and site requirements.
5. The proposed lots and blocks conform to the requirements of 153.060 Lots and Blocks.	<b>Not Applicable:</b> The proposed development does not create new blocks or lots.
6. The proposed street types conform to the requirements and standards of 153.061 Street Types, including the general pattern of streets, blocks, and development reflected on the BSD	<b>Not Applicable:</b> The proposed development utilizes existing access points. The proposal does not impact the existing street network.

Street Network Map, and the conceptual locations of access points to surrounding streets to avoid adverse impacts on surrounding neighborhoods and traffic infrastructure.

7. The proposed design of the internal circulation system, driveways, and any connections to the public realm provide for safe and efficient access for pedestrians, bicyclists, vehicles, and emergency services.

**Criteria Met with Conditions:** The proposal does not significantly alter the circulation system or access points and is largely consistent with the Concept Plan. The applicant must work with the Washington Township Fire Department to ensure adequate access and circulation is provided for emergency vehicles and make any required changes.

8. The proposed design of buildings conforms to the BSD Code and is consistent with the BSD Design Guidelines, while integrating with nearby development.

**Criteria Met with Conditions and Waivers:** The proposal largely conforms to applicable policies and plans, and the Waivers are due to the unique site and design considerations.

9. The proposed open spaces are appropriately sited and designed to conserve or enhance natural features as appropriate, enhance the community both within and outside the proposed development, and conform to the requirements of 153.064 Open Spaces.

**Criteria Met:** The applicant is proposing a Public Art Park and public open space with a public realm exceeding the minimum requirements. The open spaces provide formal active and passive green space to the community with a place holder for a freestanding future art installation in the Public Art Park.

10. The scale and design of the proposed development allows for the adequate provision of services currently furnished by or that may be required by the city or other public agency including, but not limited to, fire and police protection, public water and sanitary sewage services, recreational activities, traffic control, waste management, and administrative services.

**Criteria Met with Condition:** The current proposal does not allow for adequate emergency vehicle circulation without going into the entire parking lot. The applicant must work with the Washington Township Fire Department to ensure proper access and circulation and make any required changes.

11. The proposed development conforms to the requirements of

**Criteria Not Met:** The proposal does not provide a mixed use development as the proposed Art Gallery is intended to function as a private one without

§153.063 Neighborhood Standards, as applicable.

pedestrian access to the development from Village Parkway.

12. The proposed development provides adequate stormwater management systems and facilities that comply with the applicable regulations of this code and any other applicable design criteria or regulations as adopted by the city or required by other government entities.

**Criteria met with Conditions:** The proposal provides adequate stormwater management. The applicant will continue to work with Engineering during the site review process.

13. The proposed development can be adequately serviced by existing and/or planned public or private infrastructure consistent with the city's most recently adopted capital improvements program.

**Criteria Met:** The proposal can be adequately serviced by existing infrastructure. The street network is already established, and utilities will be extended where necessary to facilitate this development.

14. If the development is to be implemented in phases, each phase has adequate infrastructure to serve the development without the need for further phased improvements.

**Criteria Met:** The applicant is proposing Phase 1 development at this time, and there is adequate infrastructure to serve the development.

15. The proposed development demonstrates consistency with the recommendations, principles, and intent of all applicable design standards and guidelines, including but not limited to buildings, open spaces, and streetscapes.

**Criteria Met with Waiver:** The development provides a high quality contemporary building with well-designed public spaces. However, Waivers are required to address the siting and Primary Entrance location.

## Recommendation

**Planning Recommendation:** Approval of all 7 Waivers.

**Planning Recommendation:** Approval of Preliminary Development Plan and Final Development Plan with the following conditions:

- 1) The applicant must ensure that the total building area is in compliance with OBC 508.5 prior to Building Permit.
- 2) The applicant must establish a reasonable timeframe for art work installation at the Public Art Park and coordinate with staff upon approval of the FDP.

- 3) The applicant must provide clarity to all the proposed lighting fixture details, provide lighting near the sign and at the art gallery sidewalk, and provide a photometric plan to ensure all the Code requirements are met prior to Building Permit.
- 4) The applicant shall provide trash receptacles at the Public Art Park and work with staff to determine the location of the receptacles at Building Permit.
- 5) The applicant shall continue to work with fire department to ensure adequate emergency vehicle access and circulation prior to Building Permit.
- 6) The applicant will continue to work with Engineering to address additional review comments at the Building Permit.