



# MEETING MINUTES

## Planning & Zoning Commission

Thursday, April 1, 2021

### CALL TO ORDER

Ms. Call, Chair, called the meeting to order at 6:30 p.m. and noted that due to the pandemic, the City of Dublin is currently holding public meetings online and live streaming to YouTube. The meeting live-stream can be accessed at the City's website. Public comments on the cases are welcome. To submit any questions or comments during the meeting, please use the form under the streaming video on the City's website. Questions and comments will be relayed to the Commission by the meeting moderator. The City desires to accommodate public participation to the greatest extent possible.

### PLEDGE OF ALLEGIANCE

Ms. Call led the Pledge of Allegiance.

### OATH OF OFFICE

Vice Mayor De Rosa administered the Oath of Office to Planning and Zoning member appointee, Kim Way.

### ROLL CALL

Commission members present: Jane Fox, Warren Fishman, Lance Schneier, Rebecca Call, Lee Grimes, Kim Way  
Commission members absent: Mark Supelak (excused)  
Staff members present: Jennifer Rauch, Nichole Martin, Thaddeus Boggs, Michael Hendershot

### ACCEPTANCE OF DOCUMENTS AND APPROVAL OF MINUTES

Mr. Fishman moved, Mr. Grimes seconded acceptance of the documents into the record and approval of the minutes of March 18, 2021 as submitted.

Vote: Mr. Schneier, yes; Ms. Call, yes; Mr. Fishman, yes; Ms. Fox, yes; Mr. Grimes, yes; Mr. Way, abstain.

[Motion approved 5-0-1 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 anyone intending to address the Commission on the cases.

Ms. Call noted that one case was eligible for the Consent Agenda this evening: 7211 Sawmill Road, 21-029U, and inquired if any Commission member wished to move the Consent item to the regular agenda for discussion. No member requested that the case be moved to the regular agenda.

## **CONSENT CASE**

### **2. 7211 Sawmill Road, 21-029CU, Conditional Use**

A request for a Conditional Use to allow a Personal Service Use in an existing tenant space zoned Suburban Office and Institutional District, on a site located southwest of the intersection of Sawmill Road with Bright Road.

Mr. Grimes moved, Mr. Schneier seconded approval of the Conditional Use with no conditions.

Vote: Ms. Fox, yes; Mr. Fishman, yes; Ms. Call, yes; Mr. Schneier, yes; Mr. Grimes, yes; Mr. Way, yes. [Motion approved 6-0].

## **INFORMAL REVIEW CASE**

### **1. Baltimore Corner Restaurant, 4595 Bridge Park Avenue, 21-017MPR, Informal Review**

A request for modifications to accommodate a restaurant tenant including façade/storefront alterations, a 625-square-foot building addition, and a 400-square-foot covered patio on a site located within Bridge Park, Block B, zoned Bridge Street District, Scioto River Neighborhood District, southeast of the intersection of Bridge Park Avenue with Riverside Drive.

#### **Staff Presentation**

Ms. Martin stated that this is a request for review and non-binding feedback for a future restaurant, named the Baltimore Corner due to its location. The proposed site is a 6,200-square-foot vacant space located within Bridge Park Block B, Building B2, the Baltimore Building. The development is zoned Bridge Street District (BSD) – Scioto River Neighborhood District and is located southeast of the intersection of Bridge Park Avenue and Riverside Drive, adjacent to Riverside Crossing Park at the terminus of the Dublin Link Pedestrian Bridge. The site is subject to the Neighborhood District standards, which establish unique development regulations in key areas, including gateway locations, shopping corridors, open-space nodes and corridors, and also identify important street network connections and principal frontage streets. A Neighborhood District is intended to have a greater level of activation, as well as pedestrian-friendly placemaking. The intersection of Bridge Park Avenue and Riverside Drive is identified as a gateway in the Neighborhood standards. The Code defines gateways as points of interest that provide a sense of arrival to the area. Gateways are intended to provide a combination of architectural elements, landscape features and public open spaces in a manner that is pedestrian-oriented. In areas such as this, with the intersection and the terminal landing of the pedestrian bridge, terminal vistas are required by the Zoning Code. Terminal vistas are defined as vertical landscape or building elements, such as a fountain, tower, bay window or courtyard with sculpture. The final element of the Neighborhood standards is a shopping corridor. Within Neighborhood Districts, shopping corridors are required to be designated in key areas, and a shopping corridor was designated along the frontage of this tenant space. Shopping corridors have an elevated level of treatment, including a minimum of 12 feet of clear pedestrian circulation, within which neither outdoor dining nor seating are permitted. The 600-foot shopping corridor is located on the east side of Riverside Drive and the south side of Bridge Park Avenue.

#### Background

The Planning and Zoning Commission reviewed and approved a Development Plan with Conditional Use on July 9, 2015, and a Site Plan, including all final development details, on August 20, 2015 for Bridge Park, Block B. The approved development plans included building types, open space, neighborhood standards, parking, and stormwater details. The original development of Block B required that a minimum of 1.08 acres of open space be provided. At that time, 0.33-acre of open space was provided on-site; 0.75-acre of open space was provided off-site in Riverside Crossing Park; and a 514-square-foot pocket

plaza was designated at the intersection of Riverside Drive and Bridge Park Avenue. The applicant would work with the City and the Dublin Arts Council to develop final elements for that pocket plaza. The Administrative Review Team (ART) is the deciding body for Minor Project Reviews, except in cases where there are complex issues that warrant the Commission's consideration and in cases where Waivers to Code requirements are requested, which are both applicable in this case. On March 11, 2021, the ART determined that the proposal raises complex issues with potential community-wide effects, including:

- Elimination of a 515-square-foot publically accessible pocket plaza intended to serve as a gateway element with public art meeting the Open Space and Neighborhood Standards requirements of the Code;
- Encroachments into the right-of-way within a designated Shopping Corridor typically requiring a minimum 12 feet of clear pedestrian circulation area as established by the Neighborhood Standards; and
- Modifications to public infrastructure (planters) within the Riverside Drive right-of-way to accommodate adequate clear pedestrian circulation area.

The following questions are provided to guide the Commission's Informal Review discussion:

- 1) Is the Commission supportive of modifications to the Riverside Drive streetscape?
- 2) Does the Commission support a Waiver to the Shopping Corridor requirement that a minimum of 12 feet of clear pedestrian area be provided?
- 3) Does the Commission support alterations to the originally approved development plan including the pocket plaza, redesigning the gateway/terminal vista, and modifying the condition to provide public art?
- 4) Is the Commission supportive of the conceptual architectural character including building materials and design details?

#### Proposal

The proposal includes three primary elements: façade/storefront alterations, a 625-square-foot building addition, and a 400-square-foot covered patio. The primary tenant entrance is located along Bridge Park Avenue; the building addition is located at the intersection of Riverside Drive and Bridge Park Avenue, and the proposed covered patio is located along Riverside Drive. The storefront character blends traditional details and modern aesthetics with a mix of high quality materials, textures, furniture, finishes, and lighting. The tenant improvements along Bridge Park Avenue do not encroach into the right-of-way. Along Riverside Drive, the building addition and covered patio are proposed to encroach into the right-of-way by a variable width of 4 feet, 11 inches at the south to 6 feet, 5 inches at the north. The existing development agreement provides for the encroachment of patios at the discretion of the City Engineer. As a practice, the City Engineer requires no less than 8 feet of clear pedestrian circulation area throughout the BSD. This minimum circulation distance is greater within a shopping corridor where the Code requires 12 feet of clear pedestrian circulation area. In order to provide additional pedestrian circulation area, the applicant is proposing to reduce the width of two existing planters along the Riverside Drive frontage of the tenant space. The first planter south of the intersection of Riverside Drive and Bridge Park Avenue is proposed to be reduced by a width of 2 feet-4 inches; the second planter to the south is proposed to be reduced by just under 2 feet. With the expansion of the occupied space in the building and the modifications to the planters, a variable width of sidewalk is achieved, ranging from 8 feet-1 inch at the northern point to 9 feet-2 inches at the southern point.

The applicant is also seeking Commission feedback on the proposed character of the tenant space including entry design, building addition character, and covered patio finishes. The primary elevation of the entire tenant space is proposed to be finished in a tile veneer in a sage color. The entrance incorporates a display window in a decorative dark-stained wood surround adjacent to a matching full-lite wood door and prefinished aluminum revolving door. The entrance is accented by a canopy with canvas valance and marquee bulbs and a series of movable planter pots and benches. Two canopies are

proposed to be constructed: one for the main entry along Bridge Park Avenue, and one highlighting the building addition along Bridge Park Avenue and Riverside Drive. The canopies would be supported by decorative steel columns resting on cast stone plinths and will be finished in a fiber cement panel and fascia trim painted dark brown. The building addition incorporates large, operable, vertical bifold windows in a black finish. Ground-mounted planter boxes would be located between the columns, beneath the windows. The intersection is highlighted by the angle of the building juxtaposed with the corner of the canopy, which is accented with marquee bulbs, planter pots, and two oversized sconces. The covered patio would be enclosed with a dark brown, prefinished curved baluster railing with planter boxes and be covered with a closed-end, multicolor striped canvas awning. Four types of lighting are proposed: marquee bulbs, coach lights, ceiling fans and pendant lights. Patio furniture would consist of black metal table bases with Cambria table tops and brown woven aluminum chairs with a bamboo look.

### **Applicant Presentation**

J. Carter Bean, Architect, 4400 N High St, Columbus, OH, showed images of the proposed elements. They have been aware from the outset that they were requesting major conceptual deviations, but they have worked with staff on designing what is now shown to the Commission. They are showing more information than is typically necessary to give the Commission a full picture of what they are proposing. Everyone recognizes that this is a major intersection in Bridge Park due to the roadways and the pedestrian bridge. The vehicular Riverside Drive traffic and the pedestrian traffic from the bridge converge at this intersection. Although parallel parking and narrower walks exist in this area, the vehicular traffic has slowed considerably from the roundabout up to this intersection. The discussion site is located at the end of that compression of slowing traffic. [Showed slides of the area and existing conditions.] This building has a tower element at the corner, and the proposed tenant site is at the base of that tower. Although this project would eliminate some of the planned public space, currently, the existing space at this intersection is void. The proposed plan would create more sense of arrival in that gateway area. Although they would be reducing the width of the shopping corridor, the compromise will provide a width of 8 feet or more within the space. The proposed modification to the planters would not impact the existing trees. Eliminating two feet from the northern planter and nearly two feet from the southern planter will permit them to extend their space slightly into the right-of-way but still permit the flow of pedestrian traffic. Their service door on the east façade will be within a shared storefront that provides access to the stories above; the new service door will be aluminum and glass. Mechanicals for fresh air intake and HVAC hoods, etc. will be addressed via louvers within transom areas. [Showed 3-dimensional renderings of the proposal.] They have removed the corner column and opened up this corner to enable pedestrian activity. Controlled lighting will be used to activate the space at night.

### **Commission Questions for Staff**

Ms. Fox requested that staff clarify the pocket plaza within the proposed design.

Ms. Martin identified the pocket plaza location and stated that the original development text for Block B of Bridge Park required a certain amount of open space, based on the composition of residential units and commercial square footages. At the time, a total of 1.08 acres for the entirety of Block B was required; the vast majority of that – 0.75 acres, was permitted to be provided in Riverside Crossing Park. The remaining 0.33 acres was to be provided within the Block. The 515-square-foot pocket plaza adjacent to Building B2 was counted toward that overall public open space requirement. The proposed building addition on this corner would incorporate that public space.

Ms. Fox inquired if the public plaza/park was within the building boundaries.

Ms. Martin responded affirmatively. The 515 square feet of open space is beneath the existing canopy, not the proposed canopy. The open space had to be within the private space, not the right-of-way, which is the reason it is within the footprint of the building.

Mr. Way inquired if the Bridge Street guidelines permit a building to be extended 6.5 feet past the building line.

Ms. Martin responded that is not a provision of the Bridge Street Code. The development agreement between the City and the developer provides some opportunities for right-of-way encroachment of up to six feet at the discretion of the City Engineer, if sufficient circulation space would be remain. The type of items that might be permitted to encroach would be outdoor patios, outdoor seating and overhead canopies.

Mr. Way inquired if there have been any other encroachments to date that fall within that category.

Ms. Martin responded that there have been other encroachments within Bridge Park, but there have not been encroachments within the shopping corridor. What makes this building unique is that it is sited at the boundary of their property and inches from the right-of-way. Consequently, any type of improvement inherently would have to be within the right-of-way.

Mr. Fishman stated that when the Bridge Street Code was developed, pocket parks and open space was a significant topic in every discussion. Although we have given up some space in residential areas of the District, this is a very important corridor. This corner will become a gathering point for people coming across the pedestrian bridge. Because of this, there was already some concern about the amount of public space provided on this corner, and if we give that up, this will be like any other downtown area – no open space to walk or gather. Although the proposed design is quite attractive, we need to look at options that would not encroach into that public area. There is already limited public area, and once it is given away, it cannot be recaptured. This was one of the key elements of the Bridge Street Development Code – open spaces where people could walk and gather. It is unfortunate that the building is inches from the right-of-way, and the only opportunity for adding square footage to the building is to encroach. His position is that the project should be designed to fit within the permitted space, and the City should not give up that very valuable open space for pedestrian activation.

### **Commission Questions for Applicant**

Mr. Way inquired the reason the applicant needs to expand the footprint.

Mr. Bean responded that the reason is to enable viability of a restaurant on this corner. Currently, there is insufficient space to justify the cost of locating there. Additional square footage would permit more seating, which would make the pro forma work. He noted that the way in which the building developed, there is remaining open space to the east; perhaps it would be possible to relocate the 515 square feet there. In addition, there may be opportunity to incorporate more open space into the next phase of development in this District.

Russell Hunter, Executive VP, Development & Design, Crawford Hoying, 6640 Riverside Dr, Ste 500, Dublin, Ohio, 43017, stated that Block G will be coming before the Commission in two weeks. There is an aggregate of over 7,000 square feet of open space in that block. The purpose of an Informal Review is to bring forth ideas that may not fit neatly within the boxes but have value. They are aware, however, that this is an "ask."

Mr. Schneier inquired how many seats exist without the pocket plaza area, and how many additional seats would be gained with the area.

Mr. Bean responded that the addition of the pocket plaza would permit 26 additional seats.

Ms. Fox inquired if any consideration was given to placing the entrance to the building at the corner, rather than on the side of the building.

Mr. Bean responded that from the tenant's perspective, that is their "beachfront property." They wanted their diners to be able to look out to the pedestrian bridge. From a functional standpoint, the parking

area is located to the east; 90% of their patrons will be parking there, walking down Bridge Park, and the first opportunity they will encounter is this restaurant.

Ms. Call inquired if there had been any pedestrian traffic studies that could help the Commission understand the potential impact of a diminished pedestrian corridor.

Mr. Hendershot responded that there were no studies that he is aware of, but staff could look into whether it is an item that should be investigated.

Mr. Way requested the applicant's vision of the overall architectural character. It appears a touch of old world charm is proposed within a very contemporary Bridge Park area. What is the inspiration for this architectural character?

Mr. Bean responded that the inspiration are the restaurants that Karen Hamlin, their designer, has completed elsewhere. The concept is Italian, and the detailing is reminiscent of what their designer has done in the other restaurants. In all of them, there is a combination of old world and modern. This is achieved via materials, form, components and lighting, differentiating this building from the rest of their architectural environment, and providing a focal point on this important corner. [inspirational images shown.] They are transforming a monolithic building into a more pedestrian-friendly space at this intersection.

### **Public Comments**

No public comments were received on this case.

### **Commission Discussion**

Ms. Call stated that she would suggest the Commission begin its discussion in the reverse order, beginning with the architectural character.

Question #4: "Is the Commission supportive of the conceptual architectural character including building materials and design details?"

Mr. Fishman stated that he likes the proposed architecture.

Mr. Grimes stated that he very much likes the architecture. The materials are warm and inviting. It will provide more vitality at that corner than an art object.

Mr. Schneier stated that he has no objection to the material selections, which are consistent with the architectural theme.

Ms. Fox stated that she likes the aspirational images. She does not object to something unique at the street level, which would be attractive to those coming across the bridge. The overhead balcony overwhelms the ground floor space. Buildings located on corners are positioned to activate the public realm with visual interest. There is an opportunity with this design to add even more visual interest and further accentuate this corner by adding an art element. There was a condition in the development plan that there should be a piece of art work at this corner. To instead add a building expanse that looks like a storefront does not satisfy the promise for this gateway. She has no objection to not placing the interest on the corner, but an interesting space should be created there. She is not in favor of eliminating public space for additional table space in a restaurant, but if they can come up with a great design that will incorporate public art, interest and excitement for that corner, she would be more receptive.

Mr. Way stated that the existing architecture was designed as a vertical element to accentuate the gateway. The column extending down to grade was intended to express that tower. By obliterating the column, the tower appears to have no base. He would prefer that the column be integrated into the design at the ground level, so that it maintains the integrity of the vertical nature of that building at that corner. He likes the mix of old world charm with modern; the details are done nicely. He wonders if it

could look out of place in the Bridge Park streetscape along Riverside Drive. Will this be a “one off,” or perhaps other things will be happening in that corridor that would provide a modulation of the new with the older.

Mr. Hunter responded that there are couple of other places that do something similar, such as Cap City Diner, which is a 50’s diner at the base of a very modern building. There are some additional ones anticipated in Block D across from the North Market. He does not believe this will be a “one off;” he is excited by the layers that are happening. Five years in, the development is beginning to mature and it is beginning to feel authentic. We will continue to see this type of modulation.

Ms. Call stated that she agrees with both Mr. Way in regard to the vertical element and with Ms. Fox regarding an art element, and if Italy is the inspiration, there is no shortage of potential art pieces that would achieve both. Her only other comment concerns the planters. Water will seek the lowest level, and hence the public plaza on the corner. That corner could become unattractive quickly if the planters do not receive regular upkeep. Some of the planter frames appear to be wood, which could leak water and stain the concrete. She likes the general architecture and believes there is opportunity to further enhance its character by bringing more of it to the forefront.

Ms. Fox stated that her impression is that even though it adds a little old world Italian character at the streetscape, it is non-distinct; it could be found in any shopping district; it does not “wow” pedestrians coming across the street. If outdoor dining is included, there needs to be more emphasis between the ground floor and the second floor, as that second floor is a strong element; it overwhelms the streetscape. It will be important to make a strong effort to ensure that the architectural detailing and projections project the impression of a classy, unique restaurant. If there is insufficient detail, it will be lost by the heavy impression of the upper floors.

Question #3: “Does the Commission support alterations to the originally approved development plan including the pocket plaza, re-designing the gateway terminal vista, and modifying the condition to provide public art.”

Ms. Fox stated that she does not support the alterations as proposed. The originally approved development plan included the pocket plaza for a reason, although, currently, it is unattractive and unusable. She would consider relocation of the public plaza, but she is not willing to give up the public art and gateway feature. Currently, the trade-off is inadequate. It is important to ensure that this corner does exactly what we want it to do. The Bridge Street Development Code does permit public plazas to be covered structures. The applicant could incorporate the pocket plaza into the design of the building and include the column in an interesting manner, but it would be a creative challenge. However, she would not be willing to sacrifice this public right-of-way for the purpose of adding extra tables.

Mr. Fishman stated he agrees with Ms. Fox’s comments. He believes Mr. Hunter indicated that they could make up the public space with the next building project to the north. That might be a consideration, if they could make this corner exciting by including public art interest. He inquired if the public space to the north would be 500 square feet.

Mr. Hunter responded the current space at this corner is 515 square feet, and the overage within G Block, which is to the east, is over 7,000 square feet.

Mr. Fishman stated that he would be willing to consider this possibility, if a solid commitment were made to not take away any more public space from Bridge Street. Public space eliminated in one place would need to be made up within a reasonable distance. A significant amount of arduous work was invested in the development plan to ensure there would be pocket parks and open space that would make Dublin’s downtown area unique. This corner would need to be made spectacular, as we are envisioning hundreds of people coming across the pedestrian bridge. As has been stated, with the Italian theme, it should be

possible to identify a vertical piece of art. While the effort of the proposal is good, he opposes the loss of any more public space in Bridge Park. If the applicant would commit to replacing the public space, he would be willing to consider it, depending on how public interest on this corner would be achieved.

Mr. Way stated that his issue with the three proposed alterations is that there is no plan for replacing the public plaza, vertical element or public interest. He would feel more comfortable if options were proposed. It would be difficult to integrate a public park at this corner, so it may need to be an architectural corner, and that column should be part of it. There could also be a way to keep the open space around the column. He would like to see some options before deciding to eliminate any of these items.

Mr. Schneier stated that while he has no objection to the architectural character of the design, he does object to elimination of the public plaza. He believes it needs to remain here and not be traded off for another location -- this corner is a focal point. He is not supportive of the applicant's proposal to claim and enclose the space in exchange for open space somewhere else. Although the current public space is not attractive, it exists. He is not in favor of any tradeoff; it should remain and be enhanced. The Commission would be very interested in suggestions for making the public space more attractive.

Mr. Grimes stated that he finds it difficult to believe the existing space could be turned into something more attractive; hiding it would be better. He loves pocket parks and believes there should be many integrated frequently throughout the District; however, the size of this public space is so small, he is not convinced it rises to the level of a pocket park. This corner is immediately across the street from a large public park, and there will be a large number of pedestrians gathering on this corner before crossing the street. He is concerned that enclosing the corner could diminish the ability for pedestrians to cross the street from both directions. He believes that pedestrians crossing from the bridge would be less interested in stopping at this corner than in moving on into the District. Therefore, he would be favor of moving the public plaza up/down the street or around the corner. For relocating the public space to be considered, it would be necessary for the applicant to provide a creative, interesting solution for this corner. As such, it would be reminiscent of many other interesting corners that he has seen around the world; they become public rendezvous sites, a restaurant that is a destination. It will require a professional with artistic inspiration to find a compromise that can achieve this while also provide what the developer wants. This restaurant could be an attractive, pulsating destination point for pedestrians crossing from the other side of the river. This would have a positive impact on surrounding businesses, as foot traffic also moves further into the District. Having a busy restaurant on this corner would add appeal and draw in more visitors to the District. The volume of both vehicular and pedestrian in this area, particularly if there is an event, will need to be managed. With the plethora of outdoor amenities throughout the area, what would the City gain or lose with this proposal? That question will remain open until more information is provided for further consideration, but he likes what he has seen.

Ms. Call stated that to help in distinguishing between a public plaza and a pocket park, she would read the Code definition for public plazas. "Pocket plazas are intended to provide a formal open space of relatively small scale to serve as an impromptu gathering place for civic, social or commercial purposes. The pocket plaza is designed as a well-defined area of refuge separate from the public sidewalk. These areas contain a greater amount of impervious coverage than other open spaces. Seating areas are required, and special features such as fountains and public art installations are encouraged." Pocket plazas serve a different purpose than pocket parks, and the Code encourages uniqueness within these spaces. In addition to the lack of an impromptu meeting place with seating area, there is the issue of the terminal vista. Traffic from the pedestrian bridge is not all destined for the same restaurant. The public plaza should be a meeting place and a transitory place. It is not just an issue of how the front of the building is faced. What is there now was never going to be its future.

Mr. Fishman stated that he agrees with those comments. In retrospect, he would be agreeable to trading off the public plaza only if there was no other support on the Commission for keeping it. Keeping it is consistent with the significant planning investment that went into this District. He believes the Commission should encourage the applicant to revise the design in a way that would not eliminate the public plaza.

Question 2: "Does the Commission support a Waiver to the Shopping Corridor requirement that a minimum of 12 feet of clear pedestrian area be provided?"

Ms. Call stated that a large number of pedestrians crossing from the bridge will be congregating at this corner, as they have not yet decided where they are going when they reach this stretch of sidewalk. As the foot traffic dissipates into the District as their destination is known, the density of pedestrians will become lighter. The greatest density will be at the terminus of the bridge, directly across the street, and at this corner. It is important to consider the question from the perspective of visitors experiencing this area for the first time and from a 5- to 20-year planning perspective.

Mr. Grimes and Mr. Schneier expressed support for the Waiver.

Mr. Way stated that he was not supportive of the Waiver. Much time and effort were invested in establishing the guidelines for how development would occur in this area, and it includes many good ideas. He has worked on shopping corridors all over the world, and there are certain dimensions that should not be reduced. Four people -- two people walking side by side from both directions -- can meet and pass within a 12-foot corridor. That is an intended dimension, one which he himself has used many times, as it allows for easy movement. Reducing it to 8 feet would be too constrained. He believes it is important to retain the 12-foot corridor.

Mr. Fishman expressed agreement.

Ms. Fox stated that in general, she also agrees. However, she would consider some encroachment for outdoor dining. The Code states that, "the shopping corridor is to provide continuous mixed-use street frontages, with retail uses, eating and drinking facilities occupying the ground floor of buildings located on streets with a well-defined and detailed pedestrian realm." That is the key. Because the area along Riverside Drive is the front door for pedestrian traffic coming from the bridge, it should be activated. Unfortunately, it is difficult to achieve activation from streetside dining because of the lack of space here. Therefore, she would give some consideration to the outdoor dining piece including the possibility of adjusting the planters. However, the design will have to be so impressive and satisfy all the desired elements for her to give that consideration. This restaurant must be significantly classy and stunning to give away such valuable right-of-way and be able to create a streetscape that is very activated and inviting. She is thinking of European plazas -- this proposal is not there yet with just a striped awning, wrought iron dividers and planter boxes. Currently, no level of beauty exists for which she would consider giving away right-of-way. It may be able to reach that; however, it would be a challenge. At this point, she can say only that she would give it some consideration.

Ms. Call stated that because of all the previous thought and planning and due to how dense the foot traffic can be in areas of passing, she would be more supportive of shrinking the shopping corridor at the end of the denser area, in the transition areas. Here, a width of 12 feet is necessary for stacking traffic, children and strollers. She agrees with Ms. Fox that there might be some possibility, if there were some appealing trade-off.

Question 1: "Is the Commission supportive of modifications to the Riverside Drive streetscape?"

Mr. Way stated that if the 12-foot corridor is not retained, there is no need to reduce the width of the planters. The comment was made earlier that reducing the width of a planter would not impact the plants

within it; however, in order to re-install the curb, it will be necessary to cut into that planter significantly. That would be disruptive to the existing landscape, although it could be replaced. Because a beautiful streetscape has been implemented here and is now enjoyed, eliminating and changing some parts of it does not seem to be the right direction. In view of the intensive level of thought, effort and investment previously made, he believes the streetscape should be left as it is.

Mr. Schneier stated that he has no objection to reduction of the planter space. He would be willing to consider it in order to gain the outdoor dining, which would bring energy to the area. Facilitating the necessary outdoor seating to have that would be worth the trade-off.

Mr. Grimes stated that he would be supportive of the modification to the Riverside Drive streetscape.

Mr. Fishman stated that he is in agreement with the comments offered by Mr. Way.

Ms. Fox clarified that for the building footprint, she is not willing to reduce the 12-foot corridor. For the outdoor dining component, she would be willing to consider a lesser amount of encroachment, although she would prefer to keep the sidewalk 12 feet. We have been supportive of outdoor dining throughout the District both to activate the streetscape and for pandemic-related reasons, and that outdoor dining has proven to be popular. It would be preferable to tuck the outdoor dining more into the building footprint, if it were possible. Although she is not supportive of the building encroaching into the right-of-way, she would be inclined to consider a waiver for the outdoor dining.

Ms. Call stated that although it is not desirable to disrupt attractive landscaping, she would be more supportive of shrinking a planter slightly than shrinking the width of the walkway.

Mr. Hunter stated that the 12-foot area they are asking to reduce is to the south of Bridge Park Avenue and along Riverside Drive; it is not the side adjacent to Bridge Park Avenue. The planter that they are proposing to reduce is currently 16 feet wide.

Ms. Fox inquired if the planter on the corner of Riverside Drive and Bridge Park within the area of the proposed outdoor dining and the planter on Bridge Park Avenue near the restaurant entrance were the same widths.

Mr. Hunter responded that the planter on Bridge Park Avenue is 8 feet wide; the planter on Riverside Drive is 16 feet wide.

Ms. Fox inquired if moving southward on Riverside Drive, the planter widths decreased, or if they were all 16 feet wide.

Mr. Hunter responded that he believes they are all 16 feet wide up to Banker Drive.

Ms. Call stated that the Commission appreciates working with partners who are attempting to bring incredible assets to the City. This restaurant would be a significant asset; however, there will be hurdles to jump.

Mr. Way inquired if there is a residential unit immediately above the canopy on the corner.

Mr. Bean responded that he believes it is a dentist's office.

Mr. Way questioned the safety situation for a dentist's office with a railed balcony. If someone were to climb over that railing and access the roof, the roof has no barriers. Are there any associated Code requirements?

Mr. Bean responded that the existing railing satisfies Code.

Ms. Call inquired if the applicant had sufficient direction to proceed.

Mr. Bean responded that they appreciate the feedback, none of which was a surprise. They would consider the comments and determine if modifications were possible that would enable them to proceed with the project.

## LEGAL REVIEW

Mr. Boggs noted that he serves as an Assistant Law Director for the City. He works predominantly with the Planning Division and attends all Planning and Zoning Commission meetings and other Planning-related boards and commissions as needed. Jennifer Readler is the Law Director and attends City Council meetings. Together, they attempt to ensure there is a solid legal foundation for everything the City does within the Planning and Zoning area. The general authority of the Commission comes from Section 7.03 of the City Charter, which states the Commission shall:

- (1) hear applications for land use, rezonings or districts and submit written recommendation for legislative action.
- (2) initiate, review and make recommendations for legislation in all matters of municipal planning, land use and zoning.
- (3) make final decisions on administrative actions with respect to land use and zoning within the City.

Section 153 of the City's Codified Ordinances provides greater specifics on the Commission's role, including:

- (1) review and provide recommendations regarding plats, rezonings and PUD creation.
- (2) review and make decisions on Conditional Uses, Final Development Plans and Bridge Street applications.
- (3) review and provide recommendations regarding Zoning Code amendments.

Mr. Boggs reviewed details of the Commission's role; the distinctions between legislative versus administrative actions; and Ohio law regarding open meetings, public records, conflict of interest and ethics. He encouraged Commission members to contact him or staff if any questions arise in the performance of their duties.

## COMMUNICATIONS

- Ms. Fox recommended Commissioners take advantage of the opportunity to view the MORPC 2021 State of the Region presentation at their website. A guest speaker provided interesting information and resources regarding new residential developments.
- The next regular meeting of PZC is scheduled for 6:30 p.m., Thursday, April 15, 2021.
- New Chair and Vice Chair will be selected at the April 15, 2021 meeting.

The meeting was adjourned at 9:18 p.m.

*Rebecca Call*

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Chair, Planning and Zoning Commission

*Judith K. Beal*

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Assistant Clerk of Council