



## MEETING MINUTES

### Planning & Zoning Commission

Thursday, June 17, 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.

#### ROLL CALL

Commission members present: Warren Fishman, Lance Schneier, Rebecca Call, Lee Grimes, Mark Supelak, Jane Fox

Commission members absent: Kim Way

Staff members present: Jennifer Rauch, Nichole Martin, Jesse Shamp, Tammy Noble, Chase Ridge, 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 May 6, 2021 and May 20, 2021 meeting minutes.

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

[Motion approved 6-0.]

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 individuals intending to address the Commission on tonight's cases.

Ms. Call stated that one case, Case 6, Drake Dance Academy - Conditional Use, is eligible for the Consent Agenda this evening and inquired if any member requested to move the case to the regular agenda for discussion; no request was made to move the case to the regular agenda.

## **CONSENT CASE**

### **6. Drake Dance Academy at 6419 Old Avery Road, Conditional Use, 21-083CU**

A request for a Conditional Use to allow an Entertainment and Recreation, Indoor Use in an existing building zoned ID-1, Research Office District on a 1.77-acre site located west of Old Avery Road and south of US 33.

#### **Public Comment**

No public comments were received on the case.

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

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

[Motion approved 6-0.]

## **RECONSIDERATION CASE**

### **1. Heartland Bank at 6500 Frantz Road, 20-207FDP, Final Development Plan**

A request for reconsideration of a Final Development Plan proposal for exterior modifications and associated site improvements for an existing bank on a 0.82-acre site zoned Bridge Street District, Commercial.

#### **Staff Presentation**

Mr. Ridge stated that this is a request for review and approval of a Final Development Plan for exterior building modifications and associated site improvements for the Heartland Bank location in the Bridge Street District (BSD). This site is located southeast of the intersection of West Bridge Street and Frantz Road and serves as an outparcel to the larger Dublin Plaza shopping center.

#### History

This case has been before the Commission several times previously. On July 9, 2020, the Commission reviewed and approved a Concept Plan. On October 15, 2020, the Commission reviewed and approved a Preliminary Development Plan (PDP) with three waivers and four conditions. On January 7, 2021, the Commission reviewed and approved a Master Sign Plan and Parking Plan for the site but disapproved the Final Development Plan (FDP). While largely supportive of the FDP, the Commission continued to have concerns about the proposed exterior synthetic cladding material (Trespa). Subsequent to the disapproval of the FDP, the applicant requested Reconsideration of the FDP at the February 4, 2021 meeting to provide additional details. The Commission approved the reconsideration request. The purpose of this hearing is to hear and consider those additional details.

#### Revisions

Three waivers were approved with the Preliminary Development Plan (PDP). The first waiver permitting a reduction in the percentage of primary materials on each elevation was approved with the condition that the applicant continue to work with staff to select an appropriate exterior cladding material. The second waiver allowed a minimum transparency calculation below the Code-required percentage. This is due in part to the fact that this is an existing building, and without complete

demolition and modifications, the applicant was limited in the scope of modifications possible. The third waiver permitted a parapet height of approximately 12 feet, 2 inches, exceeding Code requirements. Additionally, the reconsideration approval was with the commitment to provide certain revisions and updates. The applicant has provided the following for the Commission's consideration:

- Selection of an alternative, preferred exterior cladding material -- Prodema Prodex - Rustik.
- Large-scale mock-up of the Prodema material on site for Commission members' review.
- New rendering accurately reflecting the final look of the building with the Prodema material.
- Technical specifications, installation details, and a catalogue with product information for review by the PZC.
- Images of the Prodema Prodex installation at Cincinnati Children's Hospital, Cincinnati, which is in good condition, although over 12 years old.
- Memo explaining some of the installation details that can be seen on the mock-up, but would not be visible with the installation on the building.

The FDP is the final stage of review for this project. The following items are proposed for approval:

- Site Layout/Modifications
- Landscape Plan
- Building Modifications

However, those are largely unchanged from the previous iteration. Existing and proposed site plan elevations were shown. The building will remain centrally located on the site. Several parking spaces will be removed from the northern portion of the site. Additional pavement will be removed in the northeast corner of the site where the dumpster is currently located, and that area will be landscaped. The proposed landscape plan will provide additional landscaping in the northwest and southwest corners of the site. A brick paver patio will be provided in the main entryway area with a stone seat wall and benches.

#### Building Modifications

The project would remodel the entire exterior of the existing building, replacing the combination of flat and hipped roofs with a simplified flat roof system. The existing overhang would be replaced with a new overhang and screening system clad in a Prodema Prodex High-Pressure Phenolic Resin (HPL) material in a 'Rustik' wood finish. The existing white columns supporting the overhang will be replaced with steel I-beams to complement the contemporary wood aesthetic. The permitted primary materials include, but are not limited to, stone, manufactured stone, full-depth brick, and glass. Permitted secondary materials include fiber reinforced gypsum, wood siding, fiber cement siding, metal, and exterior architectural metal panels and cladding. The applicant is proposing that at least 59 percent of each façade be clad in a secondary material (metal panel) or the Prodema Prodex material. The request is for approval of Prodema Prodex as a primary material, which is not currently a permitted primary or secondary material. In addition to the new overhang and screening, the applicant is proposing to install a new aluminum storefront system that ultimately increases transparency from its current state. The remaining brick will be painted dark gray to complement the modern aesthetic. Staff's review determined that the Prodema is a high quality, durable and low-maintenance material. It has been used on some high-profile buildings in the U.S. and abroad. Unfortunately, the mock-up installation did not meet expectations. Staff tasked a third party (architect) with review of the material, who provided specifications on its performance and highlighted some concerns.

Staff has reviewed the application against all applicable criteria and recommends approval with four conditions:

- 1) The applicant submit qualifications of the exterior material installer prior to the installation of the exterior cladding material and subject to Staff approval.
- 2) The proposed exterior materials be installed in accordance with the manufacturer's specifications.
- 3) The applicant schedule a zoning inspection upon completion of 10-percent of the installation of the exterior cladding material to ensure proper installation methods, prior to further commencement of installation.
- 4) The material be maintained in good condition and the owner repair the material as needed, at the determination of and to the satisfaction of the City for the lifespan of the exterior cladding material.

### **Commission Questions for Staff**

Ms. Fox stated that she did not see the third party review materials in her OneDrive packet. Ms. Martin responded that it was emailed to the members but not included in the packet. Ms. Fox requested that the information also be included in the OneDrive meeting packet. Ms. Martin indicated she would include it with the packet materials.

Ms. Fox inquired if the City's zoning inspector was familiar with this particular type of material installation, since the material has not previously been used within the City. Would the inspector be aware of the specifics for which he should be looking?

Mr. Ridge responded that the zoning inspector may not be familiar with this particular product. Synthetic wood materials have been installed elsewhere in the City, and they are familiar with those, but not this particular material.

Ms. Fox stated that the transparency requirement is 65% on the street-facing façade and 50% non-street facing side. It has been indicated that the percent of transparency has increased. What are the new percentages?

Mr. Ridge responded that he would pull up that information in the materials and respond within this discussion.

Ms. Call requested that staff read the three concerns/recommendations provided by the third party review.

Mr. Ridge read the following recommendations, as submitted by Mark Ford, Ford & Associates, Architects, 1500 West First Avenue, Columbus, OH 43212:

1. "The product warranty is only 10 years which in the life of a building is a very short time frame. My concern would be for the potential discoloring or fading of the product after that time frame with no recourse for correction. I have observed the installation of other installations of similar wood veneer laminated panel products; in time, when exposed to sunlight, water and pollution, the edges of these panels had discolored and the acrylic finish had faded.

2. Exposed Fasteners. As noted above one of the two methods of attachment is an exposed fastener with a plastic cap. These caps will be visible. In addition, the caps may become dislodged

and/or fall off and the screw fastener would be exposed. It is my understanding that the concealed fastener system is to be used for this project and should be a condition of approval for this material.

3. As with most thin veneer/laminate products, the true key to a successful installation is the quality of the workmanship during the installation and final detailing of the product. The manufacturer has provided specific information and instructions for the handling, storage, cutting, attachment and cleaning of this product. The contractor will need to closely adhere to these instructions and use the proper tools for installation. If not cut properly, the edges of this material will be rough and will expose the laminated layers of materials. If not properly secured and the fasteners are under-tightened, over-tightened or not located in a consistent dimensional relationship to the edges of the panels, the visual quality of the overall installation will be unacceptable.”

Mr. Schneier stated that the third-party review was forwarded to Council members only this afternoon. With this review, does staff’s recommendation remain the same as provided in the packet, or does staff wish to change its recommended conditions?

Mr. Ridge responded that staff was in contact with the reviewer (Mr. Ford) before his memo was finalized, so staff’s recommendations address those concerns.

Ms. Fox inquired if Mr. Ridge located the current transparency percentages.

Mr. Ridge responded that he did not, but because the amount is increased, it will be closer to compliance.

Ms. Fox inquired what the percentage of transparency was with their previous application.

Mr. Ridge responded that he does not recall that number.

### **Applicant Presentation**

Ashley Trout, Heartland Bank, 430 N. Hamilton Rd. Whitehall, OH 43213, stated that with her tonight are Rex Hagerling and Jon Guldenzoph, Moody Nolan, and Rob Minshall, Ruscilli Construction. Since the January 7 meeting, they have been working to address the Commission’s concerns with the synthetic building material. They have not proposed natural wood due to concerns regarding longevity and maintenance. Since the outset, they have proposed a synthetic wood material, previously the Trespa product. Following the Commission’s recommendation, they have looked at other products, including the Prodema product suggested during the previous Final Development Plan (FDP) review. They liked the Prodema product, particularly because its wood-like appearance is achieved through a natural wood veneer, yet it retains the same durability as the Trespa product. The “Rustik” color submitted is a warmer color. Per the Commission’s request to provide mockups of the proposed products they would consider using, they provided a mockup of the Prodema product, as it was the only material they were interested in using. Although there is no other building in Dublin that is constructed with this product, they identified several locations within the State of Ohio, where it has been used. The building of the greatest interest is the Cincinnati Children’s Hospital, on which the product was installed over 12 years ago. The material remains in very good condition. Although they were unable to construct a realistic mockup of the material for the Commission to view, she is hopeful that the members were able to visit their site to view the mockup wall. The visible nailheads and manner of installation with the mockup wall are not representative of the actual product application to the building. She can assure them that a concealed fastener system will be used during the construction. The materials actually purchased for the installation will be pre-cut planks with a tongue and groove joint along the edge. They were unable to get the

boards cut in the correct size for the mockup, but they were able to obtain sheets of the same product. The material seen is the Prodema material; however, it was necessary for the planks to be field-cut for the mockup. In the actual building application, there will be a tongue and groove application; it will not be field-cut to the extent that was necessary for the mock wall. A certified finish carpenter will do the actual application. They are agreeable to the recommendations indicated by the third-party reviewer and staff, which should provide the Commission with the level of confidence they are seeking. They are committed to being a true community partner by accommodating and improving on all the requests concerning landscaping, parking, dumpster enclosure, color selections and transparency. They are committed to investing in Dublin. They have a vested interest in making sure that this building is of the highest quality and presents their company in a positive light within the community. They understand and respect the Commission's careful consideration of this product selection. They believe the four conditions will ensure the highest quality installation and should provide Council the assurance and confidence requested. This section of the City is long over-due for a revitalization, and they are hopeful the Commission will allow them to start that process and set the tone for this corridor.

### **Commission Questions for the Applicant**

Ms. Call inquired if Ms. Trout had the information on the transparency percentages on the proposed project.

Ms. Trout responded that she would look within her materials for that information.

Ms. Call stated that she has looked through the previous meeting materials and does not see a percentage provided in any previous meeting minutes or Planning reports.

Mr. Supelak that the Prodema product in the catalogue appears similar to real wood, which is impressive; however, there are details unclear with the application of the product. Will the outside corner have mitered ends?

Rex Hagerling, Moody Nolan, 300 Spruce St, Suite 300, Columbus, OH 43215 responded that they considered mitering the corners, but recognized an issue with sharpness would make it prone to be chipped or damaged. Prodema recommends a slight gap at the corner to allow for expansion/retraction. The wood will need to be cut and installed very precisely, although that was not reflected on the mockup.

Ms. Call inquired how the exposed corners would be finished. She assumes they will be abutted at a 90-degree angle, since they will not be mitered. She is concerned if the laminate texture applied to the product would be visible on the exposed edge of the longer plank at the corner.

Mr. Hagerling responded that there will be an exposed edge, but it will not expose a laminate layer; it will expose a solid material. If it is cut properly, it will look very consistent. Adding a trim piece to the corner would actually detract from its appearance.

Ms. Fox stated that during an earlier meeting, the applicant indicated that Trespa was the only appropriate material. What is the reason they have now decided it is not the appropriate material?

Ms. Trout responded that they were previously unaware of the Prodema option. This product is very similar to Trespa; essentially, they are two brands of a similar material. They believed the Prodema solved the Commission's concern about a natural wood look. Displayed next to each other, it was clear that the Prodema product was the better option.

Ms. Fox stated that Council had previously recommended that they attempt to reduce the amount of the secondary material used. Was that considered?

Ms. Trout responded that was discussed; however, the percentage of secondary material used has been reduced to the extent possible and still achieve the desired aesthetics of this remodel. Reducing it further would change the design entirely.

Ms. Fox stated that durability of the product was one of the Commission's concerns. Is it typical to design a building with a material having only a 10-year warranty?

Ms. Trout responded that it is not common, and if this were a new building construction, this probably would not be the direction pursued. However, they are working with an existing structure, which they are attempting to modernize. They have worked on different concepts using the existing building. If this were the only material used on the building, it would be a concern; however, this is just the veneer on a brick and glass building.

### **Public Comments**

No public comments were received on the case.

### **Commission Discussion**

Mr. Grimes stated that he is impressed with the material and appreciates the applicant's efforts and time spent on this project. He viewed the product in place and believes it will look impressive. Cincinnati Children's Hospital has used the product, which continues to look great after 12 years. Based on that existing use, he believes it is "worth a gamble" here. He likes the product and is supportive of its use for this project.

Ms. Fox stated that she is looking at the Commission's requests in response to the applicant's Reconsideration request. The Commission previously requested that the applicant provide other material cladding options with the Preliminary Development Plan, with the Final Development Plan, and again, with the Reconsideration request. The Commission requested that they provide a mockup of Trespa, or another secondary material, with installation details, edges, corners and reveal. They were also requested to provide proof of durability in comparison to other approved secondary materials. Ms. Trout previously indicated that she intended to provide two additional color options. Her concern is that, since Trespa is no longer considered appropriate, there still is only one option provided for consideration. There are no primary material options presented for consideration. She appreciates the mockup; however, the installation reflected with the mockup is not sufficient for her to gain any confidence in having the City's zoning inspector review it, who may not be familiar with the material. Although the costs are prohibitive with a mockup, that was the promise of the applicant. The applicant has stated that they want a wood look, but have chosen not to offer wood at all. They may want the secondary material due to maintenance, but the tradeoff needs to guarantee the aesthetics. Although it has a woodgrain appearance, in her opinion, it is less attractive in color, warmth and texture than actual wood. The applicant was asked to reduce the amount of the secondary material, and that has not occurred. The applicant has offered no other design options. Other developments are required to use wood or a previously approved material. This is a request for an exception without full understanding of the material durability. Our Code requires 70% of the building be comprised of a primary material, unless the Commission's consideration is that a second or more acceptable secondary material justifies a waiver in satisfying aesthetics and durability. The City itself uses wood frequently, even though the maintenance thereof is a little more difficult. As for durability, the warranty is 10 years compared to hardiplank, which has a 30 to 50-year warranty;

stone veneers, which are 25 to 75 years; and Glenberry thin brick, often used, which is 25 years. The proposed product may be somewhat maintenance free from the aspect of staining and sealing, but the warranty is voided if they use anything other than a soft cloth and mild detergents for cleaning. No powerwashing, chemicals, abrasive cleaning agents, or bleach may be used. If scratched or dented, it cannot be repaired but must be replaced. The Commission has given this applicant many waivers. The Commission would set a precedent today if it were to allow this particular material, which has a very short lifespan, to be used in more than acceptable percentages on a front-facing façade at a significant gateway in the City. She appreciates the effort expended on the mockup, but she does not believe the applicant has satisfied her expectations for this Reconsideration.

Ms. Call noted that Mr. Ridge had located the information requested on the transparency percentage. Mr. Ridge stated depending on the elevation, the transparency percentage ranges from 38% to 78%. The south elevation is largely brick, so has limited transparency.

Ms. Call requested the percentage per elevation.

Mr. Ridge responded that the north elevation is 78%; east elevation is 46% percent; south elevation is 38%; and the west elevation is 64%.

Mr. Fishman stated that he viewed the mockup, which looks better from a distance, and even the uncut ends look potentially volatile. Due to the potential for scratching, denting and the inability to powerwash, it is probably not the best material. A large amount of wood is used within the City, and although the product has not changed, stains and paints have changed, requiring less frequent maintenance. The comments of the third party architect reviewer in regard to potential discoloration concern him.

Mr. Supelak expressed support for the product. The mockup was not executed to the level anticipated in order that some confidence might have been derived. There is concern about durability throughout changing weather and concerns about craft; however, the concerns would be the same with wood. Wood bleaches in the sun and discolors and mildews as a result of rain. Wood has a similar list of maintenance problems, and it is not warranted past 10 years. These synthetic products are an effort to solve that lifespan issue. He likes the appearance of Prodema. It is robust and has been used in a number of places. He is in favor of the use of this product. The recommended conditions will address the concerns about weathering, durability and installation. If the craft and detailing is executed well, it will be an attractive building on a significant corner.

Mr. Fishman stated that his concerns continue to be regarding maintenance of the product. In his experience, if a product is expected to last 30 years, it has a 30-year warranty. The fact that this product has only a 10 year warranty is concerning.

Mr. Schneier stated that we all bring our personal experiences to a review, but they may not be relevant in the technical discussion of a product. He also had cedar shake siding, which despite re-staining and re-painting, had to be replaced every 10-12 years due to weathering. He was disappointed with the mockup, but since his initial view of the product, he has further considered the product. It is used in large quantities in AIA award-winning buildings and applications. The applicant's intent is also to have an enduring product; he credits them with that. He also credits staff's efforts in seeking out third-party input on the product. In view of those factors, he believes the mockup is not indicative of what the proposed installation would be. He is not supportive of

adding any further conditions regarding maintenance, as it would be subject to arbitrary and capricious interpretation, which could be unfair and potentially unenforceable.

Ms. Call stated that her opinion remains largely unchanged from the last review. Rather than an approved primary material and an approved transparency percentage on the primary facade on a very prominent corner of the City, the Commission is asked to approve an unapproved primary material in excess of approved percentages. She cannot be supportive of a product that the City has not approved. This Commission has given due diligence in reviewing this application tonight and in previous meetings; yet, we have seen only one type of material, although the brand thereof has changed. The Commission had challenged the applicant to consider an approved primary material. She is not supportive of this application.

No public comments were received during the discussion.

Ms. Fox stated that she had hoped other options would be presented. The look the applicant desires is wood; the primary material available to them is wood. The 10-year warranty on a material that cannot be repaired, only replaced, is a real concern to her. In comparison, wood can be repaired. Although there may be some attractive installations in other locations, this Commission must follow City Code unless there is a persuasive argument to set a different precedent. Once a decision is made, many other builders will request the same material and waivers of percentages, as well. She would point out that the secondary materials the City has approved have a 20+-year guarantee.

Ms. Call requested Legal counsel to clarify the implication of a 3-3 vote on the application. Mr. Shamp responded that per City Code, an affirmative vote of the majority of the members present is necessary to approve the Final Development Plan. A tie vote would be a disapproval.

Ms. Call inquired if the applicant wished to proceed with a vote or if they would prefer the application be tabled.

Ms. Trout inquired, absent a complete re-design, what change could they make that would be beneficial.

Ms. Call requested Ms. Fox to review the previous list of recommendations the Commission had made.

Ms. Fox requested legal clarification of the rules involved with a Reconsideration before she proceeded to review the items. She was under the impression that a Reconsideration could not be tabled for another consideration.

Ms. Rauch stated that the previous request for Reconsideration was approved; therefore, this is a typical Final Development Plan review, which may be tabled.

Mr. Shamp confirmed that is correct. The request for Reconsideration was approved previously. This is essentially the same as a new review of the Final Development Plan; therefore, it may be tabled.

Ms. Fox stated the following items previously requested by the Commission were:

- 1) Provide other material cladding options;
- 2) Provide a mockup with all details;
- 3) Proof of durability comparable to other secondary approved materials.

Ms. Call stated that the significant item would be submitting an option for other approved primary materials.

Ms. Fox responded that it would be that or a re-design that would meet Code requirements.

Ms. Trout responded that achieving the look desired for this building could not be accomplished with the approved primary materials of stone, brick or glass, and that would require a redesign, which is not a consideration at this time. If this application fails, they will proceed with the interior renovations and any exterior modifications to the extent that would not require a re-design. It is cost-prohibitive to return to the drawing board.

Ms. Fox requested clarification of whether wood is an approved primary material.

Ms. Rauch responded that wood is an approved secondary material. The reason for the scrutiny of the material proposed with this application is that it is a request for a secondary material that has not previously been considered.

Ms. Call inquired the applicant's wishes regarding proceeding with a vote or tabling.

Ms. Trout indicated that the vote could proceed.

Mr. Fishman clarified that the applicant does have the option to change the design sufficiently to meet Code in regard to the secondary material.

Mr. Hagerling stated that he wished to correct a couple of statements. First, the third party reviewer, while he did list three concerns, expressed support for this material. In addition, he compared this product to other installations of wood veneer laminate products in the City, which are failing. This product is not really a wood veneer. It is a solid product, 5/16ths inch thick, and real wood is baked into it, not laminated onto it. This product is more than a brand change. There is real wood in this product. As Mr. Supelak pointed out, it has been used on some major buildings throughout the nation and the world. He is baffled that the City would not welcome the material, as well. Heartland Bank would be spending a significant amount of money to provide it. This product has not been presented and discussed accurately. In the unlikely event the product did not endure, Heartland Bank would address the issue. In addition, the fact that this material cannot be power washed or sandblasted means only that the material can be cleaned much more easily and does not require abrasive cleaning.

Mr. Grimes moved, Mr. Schneier seconded approval of the Final Development Plan.

Vote: Ms. Fox, no; Mr. Fishman, no; Mr. Supelak, yes; Mr. Grimes, yes; Ms. Call, no; Mr. Schneier, yes.

[Motion failed 3-3.]

Ms. Call requested confirmation that the basis for the failed vote is the lack of meeting Code regarding approved primary materials and transparency percentages.

Ms. Fox stated that she does not believe the Reconsideration requested was for transparency percentage. It was primarily product durability, installation, color and percentage.

Ms. Call stated that the basis for the lack of approval, then, is the attributes of an unapproved primary material. It is not because it is a laminate material, but because it is an unapproved primary material.

## **INFORMAL REVIEW CASES**

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

A request for Informal Review of a proposal permitting encroachment of a building addition and covered patio within the Riverside Drive right-of-way to accommodate a restaurant tenant located within Bridge Park, Block B, zoned Bridge Street District (BSD), Scioto River Neighborhood District.

#### **Staff Presentation**

Ms. Martin stated that this is a request for an Informal Review of a building located in the Bridge Park Development within the Bridge Street District. The site is located on the east side of Riverside Drive, immediately south of the intersection with Bridge Park Avenue adjacent to future Riverside Crossing Park and the DublinLink pedestrian bridge. The site is located on the northwest corner of Building B2, which is the Baltimore Building. This is the ground-story tenant space, which occupies approximately 6,000 square feet. There is a vertical pier and tower element, as well as a pocket plaza at the corner.

#### History

At the April 1, 2021 PZC meeting, the Commission provided informal feedback regarding façade/storefront alterations, a 625-square-foot building addition, and a 400-square-foot covered patio. At the time, the Commission identified:

- An opportunity to activate the streetscape with the tenant space design;
- The importance of the vertical expression of the building at the gateway;
- Support for the traditional storefront character specifically the conceptual design details depicted in the inspiration images;
- Reservations regarding occupation of the pocket plaza and right-of-way for indoor dining although general support for the covered outdoor dining;
- The pocket plaza, including gateway and public art, serves a greater public purpose that should be preserved and enhanced; and,
- Differing views on alterations to the Riverside Drive streetscape and Shopping Corridor width.

Since April, the applicant has revised the proposal to:

- Retain the pocket plaza at Bridge Park Avenue and Riverside Drive;
- Reduce the total square feet of the building addition and total number of restaurant seats;
- Reinforce the gateway by exposing the base building's vertical pier; and
- Identify opportunities for public art and seating at the gateway.

The design of this tenant space will be further refined if the Planning Commission is supportive of encroachments along the Riverside Drive right-of-way. At the intersection of Riverside Drive and Bridge Park, the tenant space is pulled back and is wholly within the private property along Bridge Park Avenue. 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-4 inches at the north. In order to provide clear pedestrian circulation width, the applicant is reducing the width of the planter beds to provide a minimum of 8 feet of sidewalk.

Updated character renderings have been provided. For the pocket plaza, the building has been pulled back from the pedestrian realm to allow for additional circulation and congregation at this

key location. Should the Commission support encroachment along Riverside Drive, the applicant welcomes feedback on the proposed architectural character.

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

- 1) Does the Commission support encroachments into the Riverside Drive right-of-way for a building addition and a covered patio and associated modifications to the Riverside Drive planters?
- 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) Is the Commission supportive of the conceptual open space details and architectural character?
- 4) Other considerations by the Commission.

### **Applicant Presentation**

J. Carter Bean, Architect, 4400 N High St, Columbus, OH, stated that Ms. Martin's presentation was very thorough. They will continue to work with staff on the details of the project, but, tonight, they would like to ensure they are pursuing the right path regarding encroachment issues and design.

Wayne Schick, Senior VP of Restaurant Planning and Procurement, Cameron Mitchell Restaurants, 390 W. Nationwide Blvd., Columbus, Ohio 43215, stated that they are looking for the Commission's direction so they can continue to move forward and, ultimately, open the restaurant. There are different ways to solve some of the issues, and they have been working with staff on solutions. They are anticipating the Commission's feedback.

Matt Starr, Crawford Hoying Partners, Executive Vice President of Development, 6640 Riverside Drive, Dublin, Ohio, stated that he was not present at the first review of this application; Mr. Hunter represented the company. He reviewed the Commission's comments reflected in the minutes, and they have addressed those concerns with the proposed changes. They would appreciate the Commission's additional feedback.

### **Commission Questions**

Mr. Schneier inquired if staff has a position on the review questions.

Ms. Martin responded that staff is supportive of this project proceeding in some capacity, but there are opportunities to tweak the design. Pulling back the building at the corner begins to fulfill the Code requirements for a gateway site, as well the previously approved pocket plaza. Activating this tenant space and the streetscape in tandem with the opening of Riverside Crossing Park is a significant opportunity for the City and the community. Staff is supportive of the project but would defer to the Commission on the final details.

Mr. Schneier stated that the waiver for encroachment of the outdoor dining space does not seem to be a significant issue, but is that the same for the encroachment for the condition space?

Ms. Martin stated that outdoor dining is an element contemplated in the Bridge Street District, but when there are condition areas, they can become permanent and prominent. Provided that this can be designed and integrated with the tenant space, staff is supportive, assuming that the minimum of an 8-foot sidewalk can continue to be provided.

## Commission Discussion

Ms. Call requested the Commission to respond to the review questions provided:

- 1) Does the Commission support encroachments into the Riverside Drive right-of-way for a building addition and a covered patio and associated modifications to the Riverside Drive planters?

Ms. Fox stated that she is excited to have this restaurant here. This is a prestigious corner in Bridge Park, from the perspective of the walk from for the Pedestrian Bridge, Riverside Crossing Park and the drive along Riverside Drive. She is supportive of the encroachment for the outdoor dining space, but she is uncomfortable with the design of the building addition. She would have no objection to the dining space being a four-season outdoor dining space. However, the proposed design on this significant corner does not justify giving that land away for this purpose. The City's intent is to invigorate that significant corner; it is paramount in the City's intentions. If something different, dynamic and unique can be captured on that corner, she would be willing to permit encroachment. This gateway element must have artistic interest and invite people to that area to linger. The intent of a 6-foot encroachment is for outdoor dining, but it needs to feel like an outdoor café to draw in passersby. She has forwarded staff a few photos of the type of dynamic spaces that would be desirable on this corner. Paris, for example, is known for its outdoor cafes. Incorporating an indoor-outdoor element that, if heated, could be used in all seasons, would be desirable. [Photos of indoor-outdoor dining spaces shown.] People should be drawn to this corner because it offers a unique dining experience. She would encourage the applicant to elevate the design aesthetics to warrant the encroachment.

Mr. Schneier expressed agreement with Ms. Fox's comments. If the condition space can be transformed to outdoor space at appropriate seasonal times, he would be supportive.

Mr. Grimes stated that the design needs some refinement, but he is supportive of the proposed encroachment.

Mr. Supelak stated that he could be supportive of encroachment, but with stipulations, such as those alluded to by Ms. Fox. Everything along Riverside should have a higher level of vibrancy and animation. This is a prominent corner, but the energy on this corner is lackluster. The design palette is currently underwhelming. The design character is "old," but not vintage and "cool". Cameron Mitchell restaurants do a great job with old, vintage and cool designs, but it is "not there" yet, and presently does not capture energy on this corner. Rather than attempting to alter small nuances, it may require a re-layout of the restaurant to achieve the desired level and flow into the space. If the energy can be achieved, he would be supportive of the encroachment.

Mr. Fishman stated that he is agreement with fellow Commissioners' comments. He hesitates to allow this encroachment, however, as it is not consistent with the intent for this space directly across from the pedestrian bridge. He would like to add a caveat that this building addition be made a conditional use. If this restaurant should leave, the space must be restored to the original intent. Although he is confident in Cameron Mitchell's ability to achieve what the City desires here, he looks at development in the long term. In his experience, variances have often been granted, then long-term, development within a space becomes lacking what was desired.

Ms. Call stated that she is in agreed with fellow Commissioners. While the proposed design is aesthetically pleasing, this particular corner is held to a different standard. It is a "platinum plus"

corner, due to the vision established by City Council for this area, and due to this parcel's relationship to the linear park on the other side of the road. She noted that the following two questions have been somewhat addressed by the Commission. Are there other comments, however?

- (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) Is the Commission supportive of the conceptual open space details and architectural character?

Ms. Fox stated that in regard to open space, the pocket plaza is very important. As they design the entrance to the restaurant, they should attempt to achieve a truly unique entranceway, not done elsewhere in the City, or perhaps Columbus. She was somewhat disappointed, as the Commission was told that the vertical element was the pole. The mosaic only extends upward halfway, so the vertical element is only "half dressed." She does not see how that vertical element is addressed, unless some impressive entranceway is incorporated into the plaza that minimizes the importance of the vertical element. The vertical element is very important. At this point, the pocket plaza has only a couple of benches. The encroachment desired can be warranted only with a very attractive, eye-catching design, which Cameron Mitchell is known for.

Mr. Supelak stated that the applicant has an opportunity to create an amazing energy on the corner that is directly associated with the restaurant. In regard to the architecture, previous packet materials reflected several inspiration images that had more energy and reflected a cooler vintage feel than what is accomplished with the proposed design. More of that should be incorporated into the architecture.

Ms. Call inquired if the applicant required further input or direction.

Mr. Starr stated that the input has been clear and positive. Encroachment is not off the table, but it requires a "wow" factor.

Mr. Schick stated that there are a couple of items on which he would like additional clarity on the indoor-outdoor dining space. The Avenue was mentioned, but the City has indicated that the manner in which that outdoor dining spills out onto the plaza using vinyl drop-downs is not desired elsewhere. Yet this Commission has stated that the proposed design has too many windows. Windows were used that retract horizontally, because they were unable to use vinyl dropdowns for the four-season aspect.

Ms. Call requested that the photographs of Paris cafes provided by Ms. Fox be shown again, as they address that item directly.

Ms. Fox stated that she was attempting only to show how corner cafes could be integrated with the building. The Avenue's outdoor vinyl windows are not as attractive as The Pearl's outdoor dining area. [Photos shown] Discussion occurred on the indoor-outdoor spaces.

Mr. Schick stated previous staff's direction was that the plaza park should be its own entity and it should not relate to the restaurant. The Commission's feedback tonight appears to want the

restaurant to own the corner plaza and make it truly dynamic and integrated with the feel and design of the restaurant.

Ms. Fox responded that Crawford Hoying had the opportunity to design a plaza, here, if desired. The better design outcome is if there were a significantly beautiful architecture piece in this restaurant, it could be ensured that there was a marriage of the elements to make it look like it belongs there. A couple of benches and a planter pot look inappropriate next to all the investment in this building. She would encourage Crawford Hoying to work with the applicant to make sure that design element is truly "wow." The restaurant and the plaza should look like they belong together.

Mr. Fishman stated that he would be much more in favor of the encroachment if there was an amazing blend of those elements there, improving the overall area. In regard to the Conditional Use factor he suggested, he wants to ensure that it is recognized that it is an encroachment by the next tenant that may occupy this space.

Mr. Starr pointed out that the vertical column that extends upward into the second story is part of a different tenant space. They will have to study that issue.

Ms. Fox stated that she could disregard that unattractive column if this corner were to be made outstanding with a distinct gateway impression. The tower is not a gateway element, only a pole.

Karen Halon, KHA Design Inc., Hollywood, Florida inquired if a fountain could be added.

Ms. Fox stated that the Commission is open to other suggestions, if they are impressive.

Mr. Bean requested the images shared in the meeting be forwarded to them.

Ms. Call thanked the applicant for the presentation. The Commission is anticipating the next iteration and discussion.

## **Dublin Corporate Area Plan (DCAP), Mixed-Use Regional (MUR-4) - Informal Review**

- 3. Dublin Corporate Area Plan (DCAP), 19-117ADMC - Code Amendments**
- 4. Dublin Corporate Area Plan (DCAP), 21-086ADMC - Design Guidelines**
- 5. Dublin Corporate Area Plan (DCAP), 21-087ADMC - Area Rezoning**

Request for Informal Review of a proposed Code Amendment creating a Mixed Use Regional (MUR 4), Llewellyn Farms Office, Zoning District and associated development standards, design guidelines and area rezoning.

### **Staff Presentation**

Ms. Rauch presented an overview of the proposed Zoning Code requirements, Design Guidelines and Area Rezoning for the MUR-4 Zoning District within the Dublin Corporate Area Plan (DCAP). The Dublin Corporate Area Plan (DCAP) was adopted in September 2018 by City Council as a Special Area Plan within the City of Dublin Community Plan, which included the creation of four new Zoning Districts: MUR-1 (Metro/Blazer District), MUR-2 (Tuttle/Rings District), MUR-3 (Emerald District), and MUR-4 (Llewellyn Farms Office District). The application before the Commission tonight is only the MUR-4 Zoning District. The goals behind the development of the DCAP plan were to:

- Reposition the "legacy" office sites within the planning area for success
- Create a walkable, mixed use environment
- Identify under-served markets

- Establish a strategy to “refresh” the Frantz Road streetscape
- Recommend mechanisms to ensure additional development along Frantz Road does not adversely impact neighborhoods.
- Recommend zoning tools to ensure successful implementation
- Introduce consistent and compatible architectural and site design guidelines.

Following plan adoption, staff analyzed various options to implement the Plan recommendations and zoning strategies. Implementation options and strategies were presented to the Community Development Committee (CDC) on March 4, 2019, and the Committee recommended a phased approach that included starting with the MUR-4 District, which is east of Frantz Road and south of the Rings Road area. The site-specific recommendations for the MUR-4 District include lower density office with building heights not to exceed 2 stories with a flat roof and 1.5 stories with a sloped roof, and additional buffering requirements to minimize potential impacts of new development. Site 11 is the only undeveloped parcel within the MUR-4 District. Tonight is an Informal Review only. The DCAP documents are anticipated to be before the Commission several times before a final recommendation is made to City Council. In order to address the goals of the Code and be responsive to the commercial property owners and the Llewellyn Farms residents, they have met with the parties on multiple occasions to ensure the plan is representative of those perspectives. The intention has been to create a balance between providing viable development options for the existing commercial property owners with appropriate consideration to adjacent residential properties. Staff conducted a series of meetings with the Llewellyn Farms Civic Association as well as the commercial property owners within the proposed MUR-4 area to review the proposed zoning requirements and design guidelines, as well as explain the review and approval process to adopt these proposed documents. As part of these discussions, the Llewellyn Farms Civic Association raised concerns regarding the proposed language in the Code and Guidelines, particularly as it relates to future office development adjacent to residential properties.

One particular challenge emerged in this process regarding the only undeveloped parcel (Site 11) in MUR-4, owned by Nationwide Realty Investors (NRI) on Cramer Creek. NRI has owned this particular property since 2006. Staff and the consultants have conducted multiple meetings with both the residential neighbors and the commercial property owner (NRI) to understand both perspectives. The proposed draft zoning regulations have been updated through multiple reiterations and are based on the DCAP recommendations, site capacity and existing conditions analyses, NRI’s feedback, and the neighbors’ expectations and feedback. A significant number of items have been addressed through our meetings and iterations, which include:

- Minimum lot size and frontage
- Increased side, rear, and front yard setbacks
- Maximum building height
- Increased landscaping and buffering
- Architectural building design and window placement
- Uses and use specific standards
- Site design guidelines including parking lot locations
- Stream corridor protection
- On-site storm water management
- Public review process through Planning and Zoning Commission

As identified in the continued discussions with the Llewellyn Farms Civic Association representatives, the list of unresolved standards has been narrowed down to three main outstanding issues:

maximum building height, minimum building setbacks, and the width of the required landscape buffer.

During previous discussions, NRI was initially willing to accept the requirements listed above which differ from their current Suburban Office zoning requirements; however, NRI has expressed concerns about the Code imposing more restrictive requirements for maximum building height, minimum building setbacks, and width of the landscape buffer. Staff has attempted to propose a compromise solution for the unresolved standards for both the Llewellyn Farms Civic Association and NRI. However, NRI expressed that these requirements will significantly affect their ability for viable commercial development of their property given the existing site constraints and requested to be removed from the proposal. Staff has also engaged with other commercial property owners within Phase 1 and there have not been any major concerns. Again, the NRI site is the only undeveloped parcel within the MUR-4 area. Ms. Rauch reviewed the structure of the proposed Zoning Code, including Purpose and Intent, Uses, Site Development Standards, Review and Approval Process. The three main issues are the maximum building height within the Standard Office (SO) area in the Llewellyn Farms PUD. The height is currently based on a formula – the taller the building, the longer the wall, the greater the setback must be, which dictates the height. No maximum height is currently stipulated within SO. If the building abuts Residential and is not located on Bradenton Road, the draft Code proposes two stories with a maximum height of 22 feet, which could be increased with a setback ratio of one to three feet, up to 32 feet maximum. For the Bradenton parcels that abut residential, the current proposal is one story, or 20 feet maximum. For the other properties north of Tuttle Crossing that are not abutting residential, the story height would be limited to two stories with a 32-foot maximum. For properties south of Tuttle Crossing that do not abut residential, the proposal is three stories with a 40-foot maximum height. The residents have requested two stories with a 25-foot maximum height overall. They are requesting a smaller building with a larger setback, allowing that to be increased up to 25 feet within a 105-foot building setback. For the Bradenton parcel, the request is for one story with a sloped roof with a 20-foot maximum, matching the size and height of the existing building. Previous discussions with NRI considered a 35-foot building maximum with a one-two foot ratio, beginning at 22 feet at a 75-foot setback and ending at 35 feet. We are looking at the maximum and the ratio at which the height may be increased up to a specific number. In regard to the setbacks for paving and landscape, the current Code requires a 6-foot width with one tree every 40 feet, plus 6-foot screening. The draft Code proposes a 35-foot buffer with a 4-foot high opaque screen. The residents are requesting a 35-foot buffer with mounding and a screen that is 9 feet in height. In previous discussions with NRI, a 25-foot buffer was proposed, allowing some flexibility for them to ensure sufficient parking. In terms of the setback and sideyards, the current Code requires a 15-foot minimum setback, but if the building were taller or longer, there would be a greater setback. The proposed Code is 72 feet if abutting residential; for the Bradenton parcels, it would be 25 feet if abutting residential. NRI's request was for 50 feet. The current sideyard setback is a minimum of 15 feet with the formula used of  $\frac{1}{4}$  of the height and length of the wall. The proposed Code is a 10-foot minimum setback, but if abutting resident, 75 feet would be the minimum sideyard setback.

### **Public Comments**

Ms. Call stated that public comments were received from the following Llewellyn Farm residents: Josh Kinzel, Peter Hutchins, Joseph Kasouf, Michelle Pfefferle, Carole Mack, Kelly Stover, Domenico Pietropaolo, Alaa Ujali, Kelly Manusakis, Cindy Sebler all highlighted the same concerns: lower density, proper building height, setbacks and landscape, some of which also included taller, dense commercial abutting residential and low density protection for the resident. Carolyn and William

Tabor recommended no changes to the DCAP. Adam Schauer noted that he was not in favor of taller buildings, light pollution, parking lots, commercial abutting residential, safety concerns and reduced property value. Glen Vanderbilt stated that taller commercial buildings were not warranted as there is currently existing empty commercial in the City.

Ms. Rauch stated that additional public comments were received from Marguerite Thomison requesting mockups for the residents; Merlina Galbreath requested that the DECAP retain lower density, building height limitations, buffering and maintain the current character of the area and property values; and Clay Daney expressed concern about building setbacks and height.

### **Commission Discussion**

The Commission requested and staff provided clarification of the following:

- Sites within the Suburban Office zoning;
- Proposed building height factors and proposed changes; most buildings are two-story;
- Constraints of Site 11 (including stormwater protection restrictions);
- Need to honor the protections that have been promised to the Llewellyn Farms residents;
- Flexibility of the DCAP plan;
- Details of the landscape buffer.

Ms. Call noted that Sven Christiansen is present, representing Llewellyn Farms residents, and Matthew Cull is present, representing NRI.

Matthew Cull, Attorney, Kephart Fisher LLC, 207 N. Fourth Street, Columbus, OH 43215, representing Nationwide Realty Investors (NRI), stated that NRI discussions regarding their site began in August 2020. Their goal is to maintain some amounts of reasonable economic viability for this parcel. This is the sole undeveloped parcel in the MUR-4, so the proposed changes would have the greatest impact on this site. NRI was clear about the changes they could agree to and it appeared that a mutual understanding was achieved in regard to heights, setbacks and buffering; however, that agreement fell apart. No further progress was made, and in January 2021, NRI requested to be removed from the MUR-4. He is unsure if that earlier request remains sufficient.

Ms. Rauch responded that the same request could be used.

Ms. Fox inquired if it was height or other issues that were untenable.

Mr. Cull responded that the height was a significant issue. Initially, it appeared the City was willing to offer some flexibility. Later, the level of restrictions proposed for this site, including pavement setbacks, became too restrictive for NRI to move forward with development of the site.

Sven Christiansen, 5765 Settlers Place, Dublin, OH, stated that he is representing the Llewellyn Farms Homeowners Association, which submitted its concerns to the City in advance of this meeting. In 2018, he spoke to the Commission to express their support for the final draft of the DCAP. They were supportive, because City leadership had acknowledged their requests and addressed them in that final draft. In view of that, he is surprised to be before the Commission tonight strongly opposing the draft Code, which would permit buildings up to 32 feet in height and permit buildings to be located closer to the residential neighborhood than currently permitted. He reviewed additional concerns and requests of the residents, which if met, would garner their support.

Mr. Schneier stated that there seems to be some disagreement as to what the various stakeholders were promised. The Commission is now requested, ex post facto, to seek equity for all concerned parties. Without a record of the commitments made, that cannot occur. Likewise, he would like to

have more specifics from the developer on their concerns and position. At this point, he cannot offer much input.

Ms. Call stated that this is an Informal Review, but inquired if the Commission was generally supportive of the draft Code language for the MUR4 in relation to building height, density, buffering and landscaping.

Mr. Schneier stated that he is looking at the matrix for the first time, and the Code adopted could have significant consequences for the stakeholders.

Ms. Call inquired how the setbacks and building heights in the proposed Code compared to other properties throughout the City where there is also commercial abutment to residential.

Ms. Rauch responded that there are not many other areas where this occurs. Perhaps this discussion tonight indicates what other information the Commission needs to help make an educated recommendation. Staff would pull some records responsive to the Commission's requests. They would also pull some case history in regard to earlier Plan reviews.

Ms. Call requested zoning history regarding similar properties, including both the Code requirements and the actual implementation.

Ms. Fox stated that this issue has been ongoing since before her tenure on City Council. Many meeting minutes exist reflecting the earlier discussions. This application is very significant because the residents have been involved from the beginning. This residential neighborhood has consistently requested consideration be given to neighborhood protection, and there were earlier assurances that would happen. They have attempted to find a win-win resolution that would be fair to the developer, as well. She would request any conversations that occurred from the beginning of the DCAP between Council, the residents and the Planning Department as to the expectations.

Ms. Call noted that staff is attempting to identify an equitable agreement for the neighborhood and the commercial residents, as well. There are many property owners involved.

Mr. Fishman stated that earlier meetings he was involved in promised development that would be compatible with the neighborhood, maintaining a residential character. This will require much more work to arrive at a resolution. It was recommended previously that the commercial buildings have pitched roofs to accomplish a more compatible "feel."

Staff indicated they would provide the requested records of previous City discussions, commitments made to Llewellyn Farms re. future surrounding development and the DCAP area, and will continue to work with the residential and commercial property owners to identify mutually beneficial development standards.

## **COMMUNICATIONS**

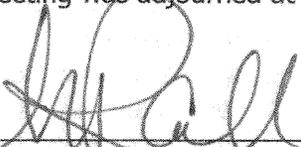
Ms. Rauch reported that:

- The City will return to in-person public meetings on July 1, 2021. The next regular meeting of PZC will be held at 6:30 p.m., Thursday, July 8, 2021 in the old Council Chambers at 5200 Emerald Parkway. The August 5, 2021 meeting will be held in the new Council Chambers at 5555 Perimeter Drive.
- Required online Board and Commission training can be accessed via a link provided to members.

- Per a request re. Board and Commissioners' needs, Council has assigned to the Community Development Committee consideration of a proposal for an architectural consultant resource to provide members expert review assistance as needed.

Ms. Fox noted that Council has requested that as the Commission reviews proposed DCAP guidelines, they consider sidewalk width standards, in view of increasing interest in outdoor dining areas.

The meeting was adjourned at 10:25 p.m.

  
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Chair, Planning and Zoning Commission

  
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Assistant Clerk of Council