

Jeffrey Darbee and Nancy Recchie
382 East Town Street
Columbus, Ohio 43215

TO: Columbus City Council Members

RE: 280 East Whittier Street Proposal

We have worked for over 40 years as professionals in the fields of historic and neighborhood preservation. We have helped numerous communities in developing design guidelines and policies to ensure preservation of the character of their historic or simply traditional neighborhoods while still allowing reasonable levels of change and new development to take place. A principle of neighborhood preservation is that change is inevitable but must be managed in a way that it does not disrespect, disregard, or disrupt the neighborhood and the people who created it through their long-term care, commitment, and investment. This long-term care stabilizes a neighborhood, increases its value, and preserves its residential character. One result of this care and investment is that the neighborhood becomes safe and desirable as a location for investment by newcomers. Such new investment is welcome as long as it is compatible with the existing neighborhood.

It must be noted that development in this area where this project is located is guided by the city's South Side Plan. It was prepared by the City of Columbus Planning Department with community input from Schumacher Place and Merion Village and adopted by City Council on June 9, 2014. The project borders German Village on three sides as well, so that neighborhood also has a stake and a role in your decision.

The plan's introduction asks, "What is a Plan and How is it Used?" It says that "Neighborhood plans address future land uses, urban design, and capital improvements. They provide an opportunity to help shape and direct the pattern of growth and development in their area. The two primary ways a neighborhood plan is used is to guide neighborhood and city review of future rezoning and variance requests." The other is to guide capital improvements.

The City's own website states, "Plans are adopted by Columbus City Council to guide development review within the city, specifically focusing on rezoning and variance requests. Adopted plans focus on land use and design. Planning Division staff work with community members to develop and build consensus for the plans prior to Council adoption."

It is clear to this point in the process the affected neighborhoods have not been provided a meaningful opportunity to help shape and direct a project with major and precedent-setting impacts on them. In looking at renderings of the proposed project for the Giant Eagle site on the border of all three neighborhoods, a reasonable person must conclude that as proposed it is entirely inappropriate for this location. All affected neighborhoods have historic homes, small-scale commercial buildings, and a distinct sense of place. They are livable and desirable neighborhoods because thousands of individuals have cared for them over many decades.

The project as currently proposed will do irreparable harm to the neighborhoods and should be rejected for the following reasons:

- The proposed megablock development is grossly out of scale. At a height ranging from 35 to 62 feet, it will tower over all of the homes and commercial buildings in both neighborhoods. It has zero lot-line coverage over nearly the entire 2.3-acre site, introducing a building mass entirely wrong for the neighborhood.
- The design does not in any way respect its location within the three neighborhoods – not in size, scale, density, or height. There are locations where a design such as this could be appropriate, but it should be in a dense downtown or suburban area where the size, scale, and design elements would be a much less significant issue.

- The proposed project includes 262 residential units (including studio and one- and two-bedroom units), 8,250 square feet of commercial space, and only 262 parking spaces. The project's lack of any parking for commercial uses in a dense residential urban neighborhood with already heavily-used street parking will place an enormous burden on owners and residents in the surrounding area. If the project cannot offer adequate parking, where will its residents with a second car and customers of its commercial spaces park? Potentially hundreds of these cars will be thrown onto surrounding streets. Add to this the large amount of parking required for the retail spaces, for which the project makes no provision. It is normal, of course, for any developer to seek to maximize profit from a development, but when its neighbors are forced to bear a burden such as this project will produce, is the developer really entitled to maximum profit? Or is it only fair to seek a more equitable balance?
- The South Side plan and C2P2 guidelines, if observed by this development, would reduce the density on the site from the proposed 121 units/acre to 45 units/acre. This is not an insignificant difference. Appropriately dense development would lessen the negative impacts on the surrounding neighbors. There is no reason why the developer should not respect the established plans and guidelines, and compliance should have been enforced by the Development Commission and the city through its zoning process. Development limitations imposed by these plans and guidelines are widely available to anyone, and no developer should assume that a project violating them would be readily approved.
- The developer has a reputation and a proven ability to develop well-designed projects. The neighborhoods affected by this project have a right to expect that a well-respected local developer would direct its competent architectural firm to create a project that is respectful of adjacent residents and is creative, sensitive to neighborhood character, appropriately scaled, and self-sufficient in terms of parking.

As a result of an Ohio Supreme Court Case *Duncan v. Middlefield* (1986), 23 Ohio St. 3d 83. As a result, seven guidelines prescribe fair and equitable consideration of practical difficulties in zoning decisions. These principles are enshrined in Section 3307.09 of the Columbus City Code. We urge City Council to invoke this section of the code in considering the proposal before you. We know from personal experience that the Village of Granville not only considers these factors but requires applicants to answer them in their zoning applications. Each is voted on separately before a final vote is taken on the appropriateness of a zoning change or variance.

We have put in bold type the most pertinent questions that guide this and any other major change of zoning in established city neighborhoods:

1. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without a variance.
2. **Whether the variance is substantial.**
3. **Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance.**
4. Whether the variance would adversely affect the delivery of governmental services (e.g. water, sewer, refuse service).
5. **Whether the property owner purchased the property with knowledge of the zoning restriction.**
6. Whether the property owner's predicament feasibly can be obviated through some method other than a variance.
7. **Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.**

A fair and objective discussion each of these considerations would lead to a conclusion that there are many options for redesign that would provide a reasonable return; that variances on matters such as lot coverage, density, and parking are certainly substantial; that the proposed project will substantially alter the essential character of the neighborhood and adjoining properties, while also setting a dangerous precedent for future inappropriate development; that a sophisticated and experienced investor/developer group purchased the property with full knowledge of the zoning restrictions; and that the owner can develop the property successfully by modifying the proposed development plan.

Inexplicably, the Development Commission never asked questions about how the proposed project fit the adopted South Side Plan, and never discussed or voted on any of the seven questions above that form the basis of a fair and impartial decision. How can residents have confidence in city decision-making when the approval process to date for this project has so blatantly disregarded an adopted neighborhood plan and the Columbus City Code?

We urge Columbus City Council to table the proposal and urge the developer to work in good faith with the affected neighborhoods to find a win-win solution that will create more housing and additional retail space that contributes to the character and livability of these special neighborhoods.

Thank you for your consideration.

Sincerely,

Jeffrey Darbee, Nancy Recchie

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Cc:

Mayor Andrew Ginther

Michael Stevens, Director, Department of Development

Scott Messer, Director, Department of Building and Zoning Services

James Goodman, Historic Preservation Officer

Zach Klein, Columbus City Attorney

Columbus Landmarks Foundation

German Village Society

Schumacher Place Civic Association

Merion Village Civic Association