

Meeting Notes from Monday, July 5, 2016 meeting of the UAC Zoning Committee:

6:00 PM – Business/administrative session.

- Reviewed the agenda items. No site visits this month since the applicant cases have either been previously reviewed or a ones with which the committee already has great familiarity.
- Reviewed and discussed committee meeting attendance. Susan to contact Doreen to discuss committee participation guidelines and how to address those members who have not attended in a while but have still declared an interest in being a part of a committee.
- We had a very brief discussion of statements of hardship. To be continued.

PRESENT: Susan Keeny, Deb Supelak, Brian Williams, Craig Bouska, Pasquale Grado, Rory Krupp

EXCUSED/ABSENT: Tom Wildman, Dick Talbot, Seth Golding

VISITORS: Laura Bidwa,

6:30 PM – Applicant(s):

1. **2273 N. High St.** – request for a variance for increasing the setback from 10 ft. to 87 ft. from the High St. property line for the mixed use development proposed for the Pavey Block. The applicant is JSDI Celmark; the attorney is Jim Maniace.

Project Information/Applicant Presentation:

- Project details:
 1. Current zoning: **C4**
 2. **1.4 acres** site
 3. Proposed new building is mixed use: **retail, office and multi-family.**
 4. **132 units**
 5. **6 stories**
 6. Total parking spaces required: 252 spaces
 7. Total parking spaces provided: **253 spaces**
 8. 6 existing historic buildings are being preserved; these buildings are along High Street and maintain the streetscape per the Urban Commercial Overlay.
- There is only one variance being requested:
 - Section 3372.604, Setback requirements: to increase the maximum building setback from 10 ft. to 86.45 ft. max.
- Reference the *Statement of Hardship*. This is a technical requirement to avoid having to cover nearly the entire site with a single new structure, and a way not to have the existing historic buildings destroyed. Its purpose is “solely to preserve certain existing site conditions as opposed to relaxing standards to permit development.”
- 7 standards in “**Duncan**” were enumerated in defense of variance request:
 1. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the 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 the result of the variance?
 4. Whether the variance would adversely affect the delivery of governmental services?
 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?

Discussion, Comments/Observations:

- Rory questioned *Duncan* requirements above:
- Question: Have you looked at other options, per #6 above- historic tax credits – so not all buildings have to be destroyed? Response: Owners do not want legal entanglements of historic tax credits. Buildings in front are marginal.
- Question: Can't owner make marginal improvements to existing building to make them more viable? Were all scenarios tried to show how improving all buildings wouldn't work? Response: Know tearing down any buildings not popular. Not every item in *Duncan* requirements needs to be answered. Owners don't want buildings in a historic district. Buildings have changed over time.
- Comment: building changes over time also have historic significance.
- Question: Did owners purchase building with knowledge of zoning, per #5 above? Response: property assembled in 1930, before Urban Commercial Overlay
- Question: Per #3 above, isn't essential character of neighborhood to the west of the proposed new

- building being altered? Response: Proposed new building is not on a street. Response: Essential character should be more than “skin deep.”
- Discussion of building height – unclear of where 45 ft. building height begins
 - Owners looked at 6 attractive buildings to save – these buildings offer marginal return & owners wanted larger project to keep buildings in front functional & in repair. More \$ put into these properties each year with less and less return. Response: Most housing stock in area needs significant maintenance.
 - Craig noted that any investment property requires input of money for maintenance and improvement. This case not unique hardship. These properties have been paid for many years ago.
 - Deb stressed that discussion of *Duncan* standards doesn't address significant new development proposed at rear of property. Question: How is government services affected? Has there been input regarding sewers, increased traffic, increased trash removal? Response: Clear that new building must address these service issues – a requirement of developing any property.
 - Brian expressed confusion on marginal nature of buildings along High St. Questions: If each were sold as individual property what increased income could be generated? And, how would a 6-story building behind affect those individual property values? Response: Jim represents developer, not the Paveys. What is known is that RFP's were sent out and 1st proposals not well received by community & review board. Lots of redesigns since.
 - Pasquale commented that better for developer to aggregate all lots.
 - Brian asked if RFP's sent to historic preservationists. Restore properties to rent or own?
 - Craig commented that it's not a Pavey family hardship as much as a developer investment hardship
 - Laura asked if 6-story building in back was adequate trade-off to save historic buildings
 - Deb stated that proposed new structure destroys neighborhood. Neighbors favor saving neighborhood versus saving historic buildings. Response: Overstatement to say this development ruins neighborhood & community.
 - Comment that scale of proposed new structure too much for this site; acknowledgement that this is not the variance being requested. Question: Is it important to save these historic buildings or not?
 - How would committee feel if development is less intense? Response: Not for saving houses just to save houses.
 - Concern over whole project, but notion of incorporating historic existing structures into something new is a positive idea.
 - Concern that original proposal began with such high density and massing that current proposal, even though less, is not reduced significantly to maintain neighborhood character.
 - Most of the committee recognized owner's property rights to develop this parcel, but had concern over adjacent owner's property rights, especially in this particular location. They were not supportive of this project and its single variance request.

Motion to approve the request for variance as listed above for the proposed development located at 2223 N. High Street: Brian; seconded: Rory. For–1; Against–4; Abstentions– 0. Motion is disapproved.

2. **131 E. 15th Avenue** – request for variances to expand the existing Delta Gamma sorority house to meet the standards of OSU's STEP Program. This case was tabled from December 2015. Architect Mitch Acock and Attorney Jeff Brown presented.

Project Information/Applicant Presentation:

- This case was presented last year and was tabled. *(For reference, the December 2015 Zoning Committee meeting notes will be sent along with the July 2016 Zoning Committee meeting notes.)*
- The variances requested are:
 1. Section 3372.564, Parking: to reduce the required parking from 19 spaces to 15 spaces.
 2. Section 3372.566, Building Size and Separation: to permit an increased building size from an existing 10,200 SF to 17,329 SF.
 3. Section 3372.567, Maximum Floor Area: to permit the floor area ratio (F.A.R.) to be increased from a maximum F.A.R. of 0.8 (14,000 SF) to an F.A.R. of 0.99 (17,329 SF).
 4. Section 3372.568, Building Height: to increase the maximum allowable height of the highest building element from 40 ft. to 47.5 ft.
- OSU now says that there is no urgency and requirement for sororities and fraternities to comply with STEP program.
- The applicant has been in talks with OSU since last fall.

- Sorority still wants to expand facility :
 1. Rush/bidding process – all interested pledges to be matched with a sorority. More interest in pledging. Sororities will get larger.
 2. Sororities desire to have more members live in the house – creates bonds and stronger friendships
- Plan changes from original proposal:
 1. On 2nd floor, 12 additional bedrooms were changed to create a new chapter room
 2. Number of current beds is **33** (32 students + 1 resident advisor); proposed number of beds is **54** (53 students + 1 resident advisor).
- Current building size is 10,200 SF; addition is approx. 7,129 SF.
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Discussion, Comments/Observations:

- Pasquale noted that:
 - We understand there is no need for additional beds to accommodate sophomores. OSU has enough beds.
 - Historically no need to increase size of chapter houses, but understand economically feasible for chapter houses to have more beds.
 - Have had some discussion about using fraternity/sorority houses as bed-and-breakfasts outside of academic year. How do you manage fraternity/sorority building other 3 months of the year?
 - UAC does not want to increase chapter houses per STEP requirements; large building additions can create buildings that are very difficult to recycle or repurpose 10+ years from now.
 - UAC has plans to work with OSU to develop specific new zoning for the sorority/fraternity row along E. 15th.
- To increase the density in this area is consistent with the University District Plan. Response: “Adaptive reuse, not dramatic increase in density is a better idea.”
- Question: How reconcile density difference between High St. & rest of core area? Response: High St. should take the density, per the University District Plan, with an emphasis on commercial spaces.
- Applicant noted that the building process will increase membership, and sorority would like to be able to house more women in the chapter house.
- Question: What are other requirements for the building per STEP program? Response: Don’t have to really do anything to the building.
- All sororities given a quota for membership. All applicants divided equally among sorority houses.
- Adaptive reuse difficult if house is too large. Hard to repurpose with parking limitations.
- Suggest that applicant wait for more comprehensive zoning changes to be worked out with OSU. Response: Fear that this chapter house, which is already one of the smaller ones on E. 15th, will become less successful because of its size.
- Question: Does sorority’s viability depend on the physical house? Response: Investment in house improvements/expansion creates important bonds within membership.
- Addition does not affect street view or street activity. Response: But building expansion as proposed is too much for this particular site – asks too much from the site in terms of lot coverage, parking, and people.
- Applicant to consider current program needs but also future repurposing of a large facility. Response: Difficult to design for something in future that is not concrete.
- The following is a list of issues/recommendations from the committee:
 - Increase on-site parking
 - Reduce the proposed bed count (*corresponds to & reduces parking requirement*).
 - Overall building square footage too high for this site. Reduce building overall size
 - Give thought to future building use such as apartments for visitors during summer months – prospective students, parents, summer school enrollees, bed-and-breakfasts.
- The applicant will go back to the owner and discuss the concerns noted by the zoning committee to determine if any plan changes might be considered. Applicant agreed to table the request for variances and reschedule meeting for a future date.

No vote was taken at this meeting.

VOTING RESULTS FOR ZONING COMMITTEE MEETING: July 5, 2016

MEMBER	Craig Bouska	Seth Golding	Pasquale Grado-non-voting member	Susan Keeny	Rory Krupp	Deb Supelak	Dick Talbot	Tom Wildman	Brian Williams
Attendance	Present	Excused	Present	Present	Present	Present	Excused	Absent	Present
CASE/ VOTE	Y-N-A-R*	Y-N-A-R*	Y-N-A-R*	Y-N-A-R*	Y-N-A-R*	Y-N-A-R	Y-N-A-R*	Y-N-A-R*	Y-N-A-R*
2273 N. High Street – Pavey Block	N			Y	N	N			N

*Y – yes; N – no; A – abstain; R – recused

The following link is to the on-line zoning code, for your use and information:

https://www.municode.com/library/oh/columbus/codes/code_of_ordinances?nodeId=TIT33ZOCO

For Commission Presentations:

Commissioners may speak twice, up to 3 minutes each time per Bylaws Article IV, Section 1(b).

For All Zoning Presentations:

Applicants will present at the next University Area Commission (UAC) meeting which will take place (*unless otherwise notified*) on **Wednesday, June 15, 2016** at the Northwood & High Building, 2231 North High Street, one block north of Lane Avenue, Room 100. Zoning cases will be heard beginning approximately at 7:15 PM. Applicants are to bring at least 10 copies of their presentation that best presents their specific case – the specific variances requested, any plans, photos of existing properties, and a statement of hardship as to why the particular request should be granted. There is also an available overhead screen and projector for applicant power point presentations. The vote taken by the UAC that evening will be communicated to either the Columbus Board of Zoning Appeals, or City Council, or Graphics Commission, which will make the final determination of all requested variances

PLEASE NOTE the following parameters for all participants in Commission meetings with regard to zoning cases, per our REVISED bylaws, Article IV – MEETINGS, Section 7:

The following time limits will be adhered to for all zoning cases heard before the Commission:

1. Zoning Committee presents the facts of the case - **5 min. max**
2. Applicant Presentation - **7 min. max**
3. Zoning Committee report – **5 min. max**
4. Public comment (max 3 people each pro/con) - **2 min each (max)**. Only those who complete speaker slips prior to the case being heard will be considered for speaking based on the order the slips were received
5. Commissioner discussion: Commissioner who wishes may speak once per round for **1 min (max) for 2 rounds**. A Commissioner cannot save time for their second round or transfer their remaining time to someone else
6. Applicant response - **3 min (max)**
7. Commission vote
8. A motion to extend the max time limits can be made at the beginning of the case stating which portion(s) should be extended and by how long. The motion must pass by two-thirds (2/3) majority with no debate on this motion.