

To: Planning Advisory Commission
Will Johnson – Chief of Planning Department

From: Kathy Evers
627 3rd Avenue 31901

Date: November 17, 2014

RE: Proposed change in UDO to allow Restaurant – General within “HIST” Zone

I very much appreciate that when a Certificate of Occupancy to open a restaurant at 222 7th Street was requested, the City recognized this was no longer a permitted use and by doing so provided concerned citizens an opportunity to be heard on this issue.

There are several neighbors what wish to speak at the November 19th meeting in opposition to changing the Unified Development Ordinance to allow general restaurants throughout The District. However, in effort to be respectful to your time, we have provided detailed documents in support of our brief comments.

- Summary of concerns
- Comments regarding protection given by the UDO
 - Members of the body who, after careful, objective review of possible uses of property within the “HIST” zone, PROHIBITED General Restaurants in 2004.
- Negative impact of existing (grandfathered) restaurant
 - 3 Photos of to illustrate parking situation near 222 7th Street
 - City response to resident’s request for defined parking on 8th Street
- Efforts of the neighborhood to work with commercial enterprises
 - City response to consider confining, defining parking at Minnie to allow greens pace by sidewalk (3 pages)
 - Objection to Meeting Hall removed when parking requirement met

TO: Planning Advisory Commission
FROM: Kathy Evers
Date: November 18, 2014
RE: Change in the UDO to allow General Restaurants in "HIST" Zone
And Special Exception Request for 222 7th Street

When considering support for the change in the UDO to allow General Restaurants in The District, I am confident that you will weigh the far reaching effects a positive vote could bring.

What information do you have, right now, on which to make an informed decision in favor of the Special Exception request?

What we know:

- Any property in the neighborhood could potentially be converted to a restaurant.
 - This is not a 'pie in the sky' kind of concern; a restaurant *was* located in a residential property at 108 8th Street for a time.
- The change will also allow for *new* construction, built specifically as restaurants in The District, subject to BHAR guidelines.
 - Marry that with BTW coming down, the discussion of placing a hotel on the BTW site and our location becomes attractive for dining establishments.
 - The number of vacant lots in our neighborhood was a prime concern voiced during the recently successful request to bar condos from The District. It was a legitimate concern for that reason and for this one.
- The property is being marketed for any buyer interested in opening an eating establishment here
 - You cannot consider what type of restaurant it will be
 - Their hours, the number of employees,
 - The number of guests since the interior could be reconfigured to seat many more.
 - The new owner will, rightly so, have an eye on the bottom line.
- You do know 222 7th Street has zero off street parking.
- You do know that 3rd Avenue allows parking *only* on the east side of the street, with 7 curb cuts and 2 crosswalks to allow for.
- You do know 222 7th Street has one unpaved curb cut on the 3rd Avenue side to accommodate a dumpster and deliveries.
 - If our experience at other locations repeats here, customers will access it to park on the green space.

As I see it, the *only* reason to pass the change to the UDO that affects a 26 block area is because you feel compelled to grant the Special Exception for 222 7th Street that will follow. The Special Exception is what is driving *this* request for the UDO change. Assume the UDO does change and 222 7th Street is granted a Special Exception. Assume further it is a very successful venture.

- Success brings competitors (Walgreens often builds across the street from CVS) and you may have other interested parties asking for the Special Exception.
- You must entertain the possibility that as locations Uptown become fewer and rents rise, The District becomes more attractive for this type of commercial enterprise.
- The passage of this change will open that door.

- By virtue of passing this request *without any parking requirement*, the standard to provide other than street parking will have been relinquished when future requests for any type of special exception are made.
- If it is waived for one business it would be nearly impossible for the City to require it of another.

Members of the Planning Advisory Commission have a hard job. You are always asked to weigh a personal request against future ramification. Sometimes you'd have to be clairvoyant to see the many possible outcomes; but not this time. You can learn from the never ending conversations between citizen and City regarding Minnie's that restaurants are not the best fit on a residential street. You can listen to the objective voices that made a pro active decision to prohibit restaurants in the revised 2004 UDO.

I know the Milligans are frustrated. They bought a property zoned as an Accessory for the B&B not realizing they would be held to higher standard when requesting their license. It is a sad situation. However there are alternative *permitted* uses in the UDO that would not burden the residents of 3rd Avenue with the issues Minnie's has brought those who live on 8th Street. I'm sure you sympathize with their plight, many of us do, but I urge the Commission to give full consideration to the consequences and leave in place the protection currently afforded the Historic District.

Respectfully,
Kathy Evers

Members of the 2004 UDO Committee who determined General Restaurants were not appropriate in the "HIST" Zone.

UDO Committee

Rick Jones, Planning Department

Will Johnson, Planning Department

Ron Hamlett, Traffic Engineer

Donna Newman, Engineering Department

Michael Burgess, Engineering Department

Bill Duck, Inspections & Codes

Richard Bishop, Deputy City Manager

Philip Thayer, Thayer Properties

Mike Corradino, PAC

Doug Jefcoat, WC Bradley

Johnny Cargill, Greater Columbus Homebuilders Association

Bill Ross, Ross + Associates (consultant)

Marty Hodgkins, Duncan Associates (consultant)