

From: Kaplan, Brad <bkaplan@ulmer.com>
Sent: Monday, August 22, 2022 9:45 AM
To: Planning Commission
Cc: [REDACTED]
Subject: Rezoning Application for 5503 Morse Road; Parcel 025-011219

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Chairman Greenberg:

I am writing to you in connection with the Rezoning Application for the above captioned property ("Subject Property") as I am unable to attend the public hearing on August 24, 2022. You may read this email communication into the record if you so choose.

I submit the comments below in my capacity as both trustee of the 1990 Irrevocable Sunshine One Grantor Trust, dated October 1, 2013 ("Trust") which is the owner of record of 781 Windward Lane, Gahanna, Ohio ("Adjacent Property") and as counsel for the beneficiaries of the Trust.

We have read the Rezoning Application for the Subject Property with particular interest as the Subject Property is immediately north to the Adjacent Property which will be directly impacted by the development of the Subject Property. Therefore, we have standing to submit these comments and we trust that you will take these comments into consideration when voting on the Rezoning Application.

We are disappointed with the proposed density of the project for the Subject Property. We understand that development is inevitable, but you as the overseer of land use in our community should understand that the interests of existing owners is paramount. New owners and developers should be respectful of existing owners and use every effort to minimize the impact of their development on existing owners. Specifically, we note the following items which we trust that you will take into consideration as you discuss the development and Rezoning Application of the Subject Property:

- Overall Density:** The overall proposed density of the development of the Subject Property is too much and needs to be reduced. We are concerned that the proposed development will bring excessive noise and light pollution to the Adjacent Property where currently there is none. Scarcity improves property values in communities. The owners of the Subject Property should not be permitted to squeeze excessive marginal units into the development. There can be no other purpose than maximizing their profits at the expense of the Adjacent Property and our neighbors.
- Natural Screening:** The Subject Property is currently a wooded parcel. In its current condition all of the noise and light from Morse Road is screened and buffered by the woods. We believe that the natural screening needs to remain in sufficient depth to provide a screen from both the noise and light created by the proposed development of the Subject Property. In lieu of retaining the natural screening of the woods, the applicant should agree to install and maintain both a screening fence and a berm of sufficient height along the property line of the Subject Property and the Adjacent Property.
- Location of Improvements:** The proposed improvements are too close the property line between the Subject Property and the Adjacent Property and need to be moved closer to the north portion of the Subject Property along Morse Road. The 25 foot setback is not sufficient and needs to be greatly expanded. We would be amenable to the relocation of the two retention ponds to the south side of the Subject Property behind a natural screen. This would give both the owners to the south of the Subject Property and the developer of the Subject Property reasonable accommodations to address each of their interests.
- Height of Improvements:** The proposed 3 story buildings along the south side of the Subject Property needs to be reduced to 2 story buildings. The taller buildings should be moved to the Morse Road side of the Subject Property.

As we study the development of the Subject Property, we have no doubt that great thought and consideration of the adjacent properties has not been a consideration at all. Otherwise, we would not need to write to you objecting to the same.

I am available to discuss the issues raised in this email and I will make an effort to attend the meeting via Zoom is the same is afforded to me.

Respectfully,

Bradley D. Kaplan



DIRECT: 312.658.6508
DIRECT: 513.698.5140
DIRECT FAX: 513.698.5141
MOBILE: 513.886.1038
bkaplan@ulmer.com | [bio](#) | [vcard](#)

Ulmer & Berne LLP
500 W. Madison Street, Suite 3600
Chicago, Illinois 60661-4587
MAIN: 312.658.6500
Ulmer.com

Ulmer & Berne LLP
312 Walnut Street, Suite 1400
Cincinnati, Ohio 45202-4029
MAIN: 513.698.5000
Ulmer.com



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