

HISTORIC DISTRICT REVISIONS COMMITTEE - Committee Comments

Comments received from Ken Sirlin – May 18, 2008

Staff's response in blue

Some questions and comments (some of which should obviously been asked earlier in the process; but better late than never).

1. Section 3; I still don't see "jurisdiction" as well defined in the new ordinance, compared with the present. [This is located on page 2 under Final Authority and now references all of the items that the board reviews in Section 6 on page 4.](#)

2. Section 12 b iii; Are there no situations that permit denial? Correct. Staff does not have the power to deny an application to be more in keeping with state law. If we do not support it – we refer it to the HRB with a recommendation for denial.

3. Section 12 a iii; With regard to variances in general, as discussed, there is a need for more rigid and limited criteria. Where will this be done? The review process for variances has been expanded on and clarified in its own section, Section 20, beginning on page 28.

Specifically to this section, why can't variances be required to be received before Part I? MPC Staff and City Staff developed a new policy for review and process for requesting variances in September 2007. We determined that applicants would request variances after the Part I review, so staff could identify what variances might be needed and, more importantly so the HRB could determine if the request was visually compatible. If variances are received prior to HRB review, they have no part in the decision process and the Zoning Board reviews them based on criteria that may not apply.

4. Section 13; Why was title changed? In previous drafts, Section 13 was comprised of both the Visual Compatibility Criteria and the Design Standards, both of which had numerous subsections making it difficult and cumbersome to find references within the ordinance. We have now broken these into two main sections, 13 and 14, to make them more user friendly – we hope.

5. Section 13 a iii; When and why was following sentence deleted: "Greater weight shall be given to adjacent contributing buildings and structures." This should reference 13.c. The sentence seemed redundant since every standard states that they shall be visually compatible to contributing buildings and structures. We have now defined the term 'visually related' (p.35) as described in the paragraph and all of the subsections and the sentence was relocated there.

6. Section 13 e ii; With the words crossed out, the paragraph doesn't seem to read right. Will add 'when' in Version V.

7. Section 14 a i; Should it be "Height Compatibility Table" and not just "Height"? This is a cross reference to the height regulations for Large-Scale Development. All of the rules under Sec. 14.a.i., Height are applicable. This section includes both the Height Compatibility Table and the Height Allowances. We could just refer to the Table if the committee would rather.

8. Section 14 a j (not sure now if this is correct reference). Is this totally gone or moved elsewhere? This was moved to the Large-Scale Development Section (14.o.b, page 23) as it seemed that all of the allowances to exceed the height map related to Large-Scale Development standards. Staff also had

concerns with smaller development exceeding the height map as: 1) Larger buildings can generally absorb greater height with less impact, 2) the height map already has greater height built into it which should accommodate smaller developments; and 3) all of the height variances approved since 2005 have been for large-scale developments.

9. COMMERCIAL STOREFRONTS; Why was "(e)" deleted? It did not seem relevant and only applied to certain zoning districts within buildings of a specified height. It was put in to discourage new users of former buildings with storefronts from enclosing all of the glass. In historic buildings, staff nor the board would approve this reduction in opening size no matter what the use, zoning district, or height of the building.

10. FENCES/WALLS; Didn't we discuss reducing height limit below 11 ft. ? It was discussed. The HRB nor staff has had any concerns or problems with the 11' maximum height for fences. This has never been an issue. This is a maximum height they can be built to. Generally fences and walls are between 6' and 8' but there are some cases where 11' is appropriate, especially on garden walls between neighboring properties. This would obviously not be appropriate in front of buildings and the HRB has the authority to deny such an application.

11. PARKING AREAS; Why was "(iii)" deleted? This standard was developed to help reduce the number of garage doors along a street frontage (not including lanes). We are analyzing better language to address this issue, such as a maximum number of curb-cuts per linear footage along a street as was done in the Mid-City ordinance. The wording here was incomprehensible.

12. By eliminating the development table completely, would a "box" like Columbia Place still be permitted in the 75% zone. The Development Capacity Table would not prohibit a Columbia Place-like development for it does not provide standards for placement of the square footage on the lot. That is what the Height Compatibility Table attempts to do. We have included another column on the Height Compatibility Table for Lane Frontage to hopefully address one of the problems with structures like Columbia Place (although it does not meet the Large-Scale Development threshold). The standard requires building volume on 50% of the lane so that all of the 25% open space required will not be located at the rear.

13. Did we decide whether our group would look at those 100% lots that seem to be anomalies in mostly 75% zones? We are trying to identify those parcels and would appreciate any comments from the committee. However, the problem will not be solved by this group as it is a different issue that deals with a different part of the ordinance.

14. Have we ever discussed whether we want to limit or prohibit future large-scale development in 75% zones? To my knowledge this has not been brought up and I am not sure how you would prohibit large-scale development as it is not tied to a use or function of the zoning.

15. If a case study was done for the six story hotel at Montgomery/ Bryan, would that show anything different that we haven't seen already? I am not sure we haven't put this one to the test. There were a lot of issues with this project, for instance it exceeds the height map and builds on top of two historic structures. As such, it wasn't necessarily the standards that were the issue but there were no criteria in place to approve these requests.