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Sent: Tuesday, December 15, 2020 4:19:56 PM

To: bacantrell@charter.net; 'Eric Sundquist'; Heck, Patrick; Rummel, Marsha; Lemmer, Lindsay; 'Jason Hagenow'; 'Kathleen Spencer'; 'Nicole Solheim'; 'Andrew J Statz'

Cc: Stouder, Heather; Fruhling, William; Firchow, Kevin; Tucker, Matthew

Subject: Mansion Hill Local Historic District height

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Plan Commissioners,

Please see the attached memo regarding heights in the Mansion Hill Local Historic District.

Thank you.

Sincerely,
Ledell

Dear fellow Plan Commission members,

As usual staff did a good job of providing us with information and thoughts on how to improve the current situation on the topic of focus for the Dec. 16 Plan Commission meeting.

There is one issue I think is important to address on this topic in addition to what was recommended by staff. That issue is the conflict between the heights that would meet what is called for as appropriate in the Mansion Hill Local Historic District ordinance vs the heights articulated in zoning which cover the historic district as well as the larger surrounding area.

The Mansion Hill Local Historic District calls for visual compatibility with height¹ (as well as with other things) in the historic district. The zoning code, in the height map, shows 5 stories as being acceptable.

The average number of stories of the historic buildings in the Mansion Hill Local Historic District is about 2.5 - 3 stories. To help protect this fragile and oldest of our historic districts the zoning heights need to better align with the visual compatibility called for in the Mansion Hill Local Historic District ordinance.

Otherwise we will continue to have the problems described in the "Zoning and Historic Preservation" series "Cultural Resources Partnership Notes" by the National Center for Cultural Resource Stewardship and Partnerships of the National Park Service. Of particular note in this publication:

"Regardless of whether or not design review in historic districts is called historic zoning or is implemented through an independent process, it is essential that preservation regulations, such as historic district design review, and zoning be coordinated. Where there is no coordination, the preservation regulations that seek to preserve and protect the integrity of historic

¹ 41.22(4)(a) Any new structure located within two hundred (200) feet of other historic resources shall be visually compatible with those historic resources in the following ways:

1. Height.

neighborhoods may be working at cross-purposes with the zoning ordinance, the goal of which could well be to attract high-density new development.”

“The greater economic return generated by larger commercial buildings or more intense residential development creates pressure to demolish the existing buildings, or to build incompatible additions to smaller historic buildings. Residential areas zoned for densities much higher than those represented by the existing buildings frequently suffer from disinvestment, since owners of the existing houses may be reluctant to maintain them without any assurance that a large apartment building will not be built on a neighboring property.”

The **Downtown Plan** certainly recognizes this issue and has a recommendation intended to address it:

Recommendation 99:

“Prepare a plan for the Mansion Hill Neighborhood, including recommendations to preserve the character of the Mansion Hill Historic District and ensure that new development is compatible with the historic context in scale and design.”

Unfortunately, we have not followed through on preparing the plan as was recommended. That said, the main point of the recommendation is to both “preserve the character of the Mansion Hill Historic District and ensure that new development is compatible with the historic context in scale and design.”

This clear **Downtown Plan** recommendation is further supported by the **Comprehensive Plan** Culture and Character recommendation under 2d to “Update the zoning code and height maps to better link the code with the City’s historic preservation plan and ordinance.” I was particularly engaged in and interested in that provision being included in the Comprehensive Plan having had experience as alder with the issues that can arise with the lack of alignment.

Both the **Zoning Ordinance** and the **Historic Preservation Ordinance** use the same language in the case of conflicting regulations stating that “regulations which are more restrictive or which impose higher standards or requirements shall prevail”.

So while the **Zoning Ordinance** and the **Historic Preservation Ordinance** are in agreement that the historic preservation ordinance would apply in the Mansion Hill Local Historic District when an out-of-scale and too tall building is proposed, it would make more sense to align the zoning code and historic district ordinance to make it less likely that inappropriately scaled proposals would be filed. Such alignment would help prevent development proposals that might be consistent with zoning but not with the historic district ordinance. When there are these kinds of proposals submitted it tends to waste not only the developer’s time but also the time of alders, staff, preservationists, neighborhood residents and other stakeholders. It would be more sensible to get the zoning ordinance in harmony with the historic district ordinance related to height. Staff’s setback proposal may help address the inconsistency related to bulk.

There are a couple of options I see to address the disconnect related to height in the Mansion Hill Local Historic District:

1. Change the maximum height within the historic district to 3 stories; or
2. Include a footnote (or something equivalent) to the maximum height on the height map for lots in the Mansion Hill Local Historic District along the lines of:

“In the Mansion Hill Local Historic District properties on which there currently is a building constructed during the period of significance, the maximum allowed height shall not exceed the height of the historic resource.”

Option one would both help relieve the tear down pressure as well as assure that new construction would be more in harmony with the look and feel of the historic district.

Option two would help relieve the tear down pressure while allowing for some additional density on lots that do not contain historic buildings. This option, to be successful in supporting the character of this historic district, would need to also have a solid front, side and rear yard setback ordinance for new construction on lots adjoining historic buildings.