

Henry Nichte 1/18/12
Paul Nichte

Concerns With the Downtown Plan as Drafted:

Creation of new building limitations (height limits, setbacks and stepbacks) – existing Zoning Ordinance and Capitol View Preservation Ordinance are more than adequate and additional limitations and restrictions will have a negative impact on development, tax base and economic development.

Inclusion of the recommended building limitations in the Zoning Ordinance is overreaching – if even kept in the plan, these limitations should simply remain as recommendations of the plan, not absolutes codified in the Zoning Ordinance.

If limitations are even kept in the plan, they should be expressed as suggestions, not requirements, with appropriate language included to convey the need for flexibility and creativity in the development process.

Making recommendations to preserve potential landmarks, triangular blocks and flatiron buildings is overreaching – existing landmark process should be followed (citizens nominate a building when desired and nomination is approved or disapproved). After an exhaustive study, the 1998 Downtown Historic Preservation Plan created a list of buildings to potentially be preserved so as to provide property owners predictability and assurance. These recommendations now seek to preserve even more buildings.

Analysis of potential redevelopment sites needs refining. Sites are noted for potential redevelopment within the next twenty years even though they consist of multiple lots with multiple owners, which greatly reduces the chances that a development will occur. Sites that meet the stated criteria, but have landmark buildings on them, are not noted as potential redevelopment sites, even though landmark status does not preclude development given the proper approvals.

Recommended Changes to Key 2: Strengthen The Region's Economic Engine

Pg 27. Recommendation 19: Delete completely

Room To Grow

Pg 27. Third paragraph – Delete the fifth sentence (“However, this should be a clear exception.”)

Pg 28-29. The parcel analysis and accompanying map (pg 29) that denotes potential redevelopment should include sites such as the 100 Block of West Main Street that meet the stated criteria (1/2 acre or more, underutilized sites/obsolete buildings) yet have one or more landmark buildings. The existence of a landmark building does not preclude development and as such should not keep it from being noted on the map. For a proper analysis and accurate planning **all** potential redevelopment sites should be noted. (If this is not done, at a minimum, language should be added to the fifth paragraph of the Room to Grow section (pg 28 under photos) to acknowledge these sites - after the fifth sentence add the following: “Some sites that fit the general criteria but have landmark buildings on them were not identified on the map, however development on these sites could occur given the proper approval.”)

Recommended Changes to Key 3: Ensure A Quality Urban Environment

Pg 35. Recommendation 35: Delete completely (no flexibility if in Zoning Ordinance)

Pg 39. Recommendation 40: Delete completely (no flexibility if in Zoning Ordinance)

Pg 41. Recommendation 44: Delete completely along with the Maximum Building Heights Map and all references to maximum heights (let existing zoning and Capitol View Preservation Ordinance stand). At a minimum, delete as written and replace with: “Consider maximum building heights as shown on the Maximum Building Heights Map, yet allow for flexibility and creativity.” and then make alterations to height discussions throughout the plan as appropriate.

Pg 41. Recommendation 45: Delete completely (no flexibility if in Zoning Ordinance)

Pg 41. Recommendation 46: Delete completely (no flexibility if in Zoning Ordinance)

Building Scale

Pg 41. Last sentence – Delete and replace with “The building envelope defined by the recommended building height and current zoning setbacks provides the basis for appropriate building scale across the planning area.

Building Heights

Pg 41. Second paragraph - after the third sentence add the following sentence: However, the height limitations proposed in this plan should be considered guides and not absolutes so as to allow for flexibility and creativity in the development process.

Pg 41. Second paragraph – delete the last sentence (“The proposed height limits . . .”)

Pg 41. Third paragraph – delete “building street setbacks, upper story building setbacks,” from the first sentence.

Pg 41. Third paragraph - delete the second sentence and replace with: While the redevelopment of existing landmark buildings of less than the maximum allowed height might occur, the map should not be interpreted as promoting such redevelopment.

Pg 41- top of 42. Fourth paragraph – in the second sentence delete “This should not be construed to allow additional stories for buildings with lower floor-to-floor heights, and” so the sentence simply reads “Buildings with taller floor-to-floor heights should reduce the number of stories accordingly.”

Maximum Building Heights Map

Pg 42. Delete setback notations from the map and map key (15’ Stepback Above 4 Stories)

Pg 42. Change title of map to “Recommended Building Heights”

Building Setbacks and Stepbacks

Pg 43. Delete entire section (all three paragraphs) (setbacks and stepbacks are too restrictive, stifle creativity and preclude flexibility)

Recommended Changes to Key 4: Maintain Strong Neighborhoods and Districts

Downtown Core

Top of pg 49. Delete the last three sentences that reference landmark buildings, potential landmark buildings and the triangular blocks at the corners of the square. (“It is particularly . . . restaurant businesses.”)

Pg 49. Recommendation 56: Delete and replace with: Encourage non-residential uses, focusing on retail and entertainment uses, on the ground floor of street frontages around Capitol Square, and on King Street, South Pinckney Street, East Wilson Street, and the 100 blocks of West and East Main Streets.

Pg 49. Recommendation 59: Delete “and incorporate them into the Zoning Ordinance.”

Pg 49. Recommendation 61: Delete and replace with: Encourage smaller scale, active urban uses, such as entertainment, restaurants, shopping and cultural activities, on first floors of “triangle (flatiron) blocks” at the corners of Capitol Square.

Pg 49. Recommendation 62: Delete and replace with: Encourage the preservation and rehabilitation of landmark buildings.

Pg 50. Recommendation 63: Delete “and incorporate them into the Zoning Ordinance.”

Pg 51. Recommendation 67: Delete “and incorporate them into the Zoning Ordinance as appropriate.”

Pg 54. Recommendation 72: Delete “and incorporate them into the Zoning Ordinance.”

Pg 57. Recommendation 79: Delete “and incorporate them into the Zoning Ordinance.”

(Delete any other references to incorporating guidelines, limitations, restrictions, etc. into the Zoning Code as found throughout the plan.)

Key 7: Build on Historic Resources

Pg 91. Fifth paragraph – Delete the last two sentences “The exterior of all buildings . . . inspected more often.”

Pg 92. Recommendation 161: Change to “Encourage owners of landmark buildings to undertake restoration.” or delete completely

Pg 92. Recommendation 163: Delete completely

Pg 93. Recommendation 166: Delete completely

Pg 93. Recommendation 167: Delete completely

Pg 97. Recommendation 175: Delete and replace with: “Ensure that new developments on parcels with acute angles follow the flatiron building form.”

Triangle Blocks and Flatiron Corners

Pg 97. Third sentence – Change to “Some of Downtown’s most identifiable buildings are located on these sites and the flatiron building forms that characterize the sites should be encouraged if redevelopment occurs.”