

Ad Hoc Landmarks Ordinance Review Committee
Meeting of November 30, 2021
Agenda item #2, Legistar #56918

The meeting minutes of the October 27, 2021 reflect:

"[Heather Bailey] explained that the UDD regulations and BUILD II were detailed in order to address issues not in the previous zoning code, and those detailed plans and ordinances then informed how the zoning code was updated several years ago. She said that those details are now in the zoning code, so to add them as exceptions in the historic preservation ordinance would be redundant"

I disagree.

Arguably, some things were addressed in the new zoning code, such as façade articulation. However the Zoning Code only requires articulation every 40 feet. BUILD II requires residential articulation every 25 feet; commercial buildings, while there is no number limit, articulation "must be sufficient to maintain the rhythm of masses and spaces of existing commercial and mixed-use buildings in the visually related area."

MGO 28.172 – Residential Building Forms

(7) Large Multi-family Building

(c) Massing and Articulation. Massing, proportions and articulation of Large Multi-Family Buildings shall respond to existing residential buildings in their vicinity. Maximum building length parallel to the primary abutting street shall not exceed one hundred sixty (160) feet without a significant articulation of the facade. Facades facing a public street shall be vertically articulated at a minimum interval of forty (40) feet.

MGO 28.060 – General Provisions for Mixed-use and Commercial Districts

(2)(b) Consistent with the design of traditional storefront buildings, new buildings of more than forty (40) feet in width shall be divided into smaller increments, through articulation of the facade.

Compare that to BUILD II which states:

Larger residential buildings may be permitted, provided that the facade is divided into distinct masses no more than twenty-five (25) feet wide and provided that each distinct mass is off set from the others by at least five (5) feet. A new building shall be no wider than sixty (60) feet. Articulation and breaks in the facade must be sufficient to maintain the patterns and rhythm of masses and spaces of existing buildings in the visually related area.

Massing of commercial, and mixed-use buildings in Zones 1 and 1a. Articulation and breaks in the facade of commercial and mixed-use buildings must be sufficient to maintain the rhythm of masses and spaces of existing commercial and mixed-use buildings in the visually related area.

Or look at height. Most of BUILD II limits height along the street to 2½ stories – a 2 story building plus attic. The Zoning Code allows for 3 stories/40 feet, or more with conditional use. With 706 Williamson, a 75+ foot high building, the Landmarks Commission, as part of its motion, said: "The Commission discussed the importance of the review of the BUILD

II plan including the 54 foot prescribed height and the MNA opposition in the approval process by bodies other than the Landmarks Commission.”

Or look at 817 Williamson. The Plan Commission, using BUILD II, found that the plans approved by Landmarks did not meet 3 standards of conditional use approval.

#4: The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;

#7: The conditional use conforms to all applicable regulations of the district in which it is located;

and

#9: When applying the above standards to any new construction of a building or addition to an existing building the Plan Commission shall find that the project creates an environment of sustained aesthetic desirability compatible with the existing or intended character of the area and the statement of purpose for the zoning district. In order to find that this standard is met, the Plan Commission may require the applicant to submit plans to the Urban Design Commission for comment and recommendation.

The Plan Commission placed the application on file. Thus, the rejection of the plans by Plan Commission after the Landmarks Commission had approved the plans, clearly shows that there are differences between Landmarks standards and BUILD II criteria.

Respectfully Submitted,
Linda Lehnertz