

HPB Meeting
 June 12, 2007
 Petition 36COA07HPB
 Board Comments Only

- ↓ Bill Warinner
 -the applicants comments you remember ofremember comments of about adding complied from the last time or is the materials before us this evening representing that compliance or or...or are we here...Staff...the Staff comments on what we have here.

- ↓ Joan Gowan
 - Comments from last meeting were that the building was too big and do not feel that the Board needs to comply with a building that is so definitely out of scale with the neighborhood just because the developer wants a big building; as this is the Historic District and agrees with the comments heard in opposition to it. The only people who have spoken in favor of it are those who are interested in developing property they own but do not give.....

- ↓ Charlie Hailey
 - I agree with Staff's comments on compatibility and non compatibility but the idea of setback is not just a horizontal measure and this may satisfy a sort of horizontal measure of a setback at certain points, but what fails in compatibility is the scale and height. The scale is both relative to the context, and in this case it is as much as approaches a two times.....compared to scale to the context. Scale is also relative to person which looking at the drawings, beginning to image scale figures placed into the drawings is even more out of scale in terms of relationship of building to person of which is another way the guidelines define scale. Height is sort of a subset of scale, I think it is incompatible in terms of height and in terms of proportion when we talk about the issues of perception, which was brought up by some of the people who live in the area, which one of the exhibits....drawings we had take a section through and look at the sidelines certain that is factual and shows a sort of sectional cut, but does not registers....experiencescalestreet...move off the street but in terms of proportion just looking at it and taking a more objective approach or perception comes down to numbers, and if you look at the proportional relationship to height....vertical to horizontal in some cases some of the elements and the large mass in the middle parts of it is two to one meaning vertical to horizontal two to one when most of the buildings that are shown for the context study reverses that they are one and two and in some cases they are one for one some of the more immediate pieces are one to one.....the building that is proposed is....exceeds that by a fairly large.....the....and one comment just aboutand again this is sort of my feeling about the drawing and I think they are...and I think Tony Green sort of alluded to this...as I think they are about relatively misleading because the...when drawings are made we use line weight to show depth and I think that by delineating the contextual edges and the heavy lines making it look as if....cut through when actually it sort of fall in terms on depth at a certain level in terms in the elevation and I think...that it is relatively misleading in the way that the rhythm will work...and again this is sort of pushing further on some of the Staff comments...I think that even a 20 foot setback in order to begin to sort of get the rhythm of the street right and I don't even think that would even accommodate it...again because of the massive....of the three and a half four story piece of this....again it is sort of a fringe.....if you look at the plan it is a fringe of the larger mass whether it is three and a half or four story.

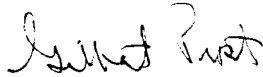
- ↓ Mary Honeycutt
 - It's just too large for the Historic District...part of the idea of Historic Districts is to preserve the integrity of the district, and the property surrounding it. Something of this scale is basically going to make the houses around it incompatible for any single family that might decide, at some point in time, to move into the area. There is no guarantee that the property will always remain with the current owners and I think we need to be sensitive to that. I think we also need to be sensitive to the current owners that live in the area and having a structure this large right up against homes, I think we have seen it before....conceptually you look at the drawings and it does not look as bad until you see it in person....it's huge...and yet there are trees but we all know that trees fall down...you know...they come down in storms so there is no guarantee that that kind of canopy...that kind of mask in going to be there... and I think it....personally, as historic board members, we need to look at something on a much smaller scale to be more compatible with the neighborhood.

July 6th, 2007

Dear Commissioners.

I am a resident of University Heights who understands that developer Reed Kogler will be presenting before the City Commission on July 9th a request to implement his plan to build a four story apartment complex on 6th Ave. Enclosed is a written opinion I will be submitting to the Gainesville Sun with the hope that it may be published under "Speaking Out." It attempts to answer the question: Does this developer have the "right" to build this four story apartment complex in University Heights, a designated historic district. The answer, as you will see, is an unequivocal "no!"

Sincerely,



Gilbert Prost

cc. Historic Preservation Board, Antonia Green.

“Rights” and University Heights

by Gilbert R. Prost

Just what is a “right,” especially in the age where rugged, uncaring individualism has replaced the traditional biblical ideal of “love your neighbor as yourself”? Just what is the nature or essence of a “right” in such an environment? In the minds of most Americans it is probably the notion that it is the duty and obligation of society to treat a given individual in a specific way. The specific kind of treatment one “ought to” receive is viewed as a moral “right.” For example, it is generally accepted that it is our moral duty and obligation to take care of our war veterans, those who have served our country on our behalf. This means veterans have a moral “right” to be treated in a VA hospital. I don’t. But it is more complex than that.

What about a developer who, in the pursuit of his “rights,” chooses to sue the city for his “right” to demolish existing structures in the small historic district adjacent to the university known as University Heights in order to pursue his goal of building a four story apartment complex? This is exactly what this developer, as he explained his development plans in my home, said he would do if the City Commission failed in its “duty” to give him his “rights” as a property owner. Or, what about homeowners like myself who feel they have a “right” to park on the street in front of their homes but can no longer do so because of parking pressures created by city planners that permit the building of new apartment complexes with zero parking, construction financed with financial incentives from the city?

From this developer’s perspective the City Commission “ought to,” “should,” and “must” grant him his “rights” to move forward with his plans to build this massive four story apartment complex. But interestingly, on June 12th the Historic Preservation Board appointed by the City Commission saw it otherwise. They unanimously rejected this developer’s plans for this huge four story structure. Along with recommending that certain historic structures be saved, they recommended that the four stories be reduced to three. This the developer said would not be feasible. (see Gainesville Sun, July 1st, *Speaking Out: We must save Gainesville’s historic districts by Sandra M. Lamme*). As a homeowner living in this district, I wholeheartedly support their courageous decision. It also means I also support the homeowner, a “neighbor” who lives next to where the destruction of existing houses and the building of this massive, out of proportion structure, is to be built if the City Commission ignores the recommendations of the Historic Preservation Board and grants permission. If granted, it means the annihilation of my neighbor’s “right” to the “pursuit of happiness,” which for her would include quiet nights, a place for guests to park on the street when visiting, along with the preservation of the neighborhood ambience. Instead of sunsets there would be the daily presence of a huge shadow cast across her homestead as the sun moves westward.

Now when making his appeal to the City Commission on July 9th, clearly the developer will be using universal concepts of “must,” “should,” and “ought to.” This is because, in his mind, such concepts imply the presence of a specific *rule which he believes exists* that requires certain conduct and actions that would “rule” in his favor. But where, I ask, is this rule? While nearly all human “rights” are rule dependant, the question is: does such a rule exist, a rule that explicitly gives this “developer” the “right” to tear down existing structures and build his four story complex? I know of no such rule. Now it may shock us that in many societies of the world young couples have no “right” to set up independent households when they get married. Because of the existence of residency *rules* that compel either a son or daughter to remain at home, there exists no such “right.” Since no cultural rule exists that would give them this “right,” their only recourse, if they feel their “rights” have been violated, would be to appeal to a universal rule. Now I know of neither a universal rule nor cultural specific rule to which this developer can appeal in order to claim his so-called “rights.” If such a rule(s) existed, then the Historic Preservation Board would have certainly granted him his “right.”

Now on a practical level what about the “rights” of a homeowner living in the district? For example, do I have a “right” to park on the street in front of my house? Now most citizens would probably say I do. The fact is: there is no rule that gives me the “right” to park on my street in front of my house. Sadly, in a few weeks I will lose that privilege because an apartment complex with 40+ additional bedrooms has been constructed just two houses West of us. This complex has zero space for parking. As soon as the 40+ students arrive in Gainesville looking for places to park their cars, it means the end of our inviting guests over during the evening and the fear that once we leave home, regardless of the time of day, we will have to find parking outside the historic district and walk home, not a happy prospect for someone suffering from peripheral neuropathy in the legs. Now as much as I would like the City Commission to write a rule that would give me the “right” to park on the street in front of my house, they will not do it. But what I fear more is that the City Commission may just decide to write a rule that gives this developer the right to tear down existing structures, some historic, in order to construct his four story, out of context apartment complex that can only exacerbate the parking problem for us all. If this developer is allowed to build his four story complex, then a new standard, rule, or precedent has been set in stone to which all future developers can make their appeal, and rightly so.

Since there is no specific rule which says I have the “right” to park on the street in front of my house, and since there is no specific building rule that has generated a “right” that this “developer” can claim to be his own, his request should be denied. While both I and the “developer” have a moral “right” to request the City Commission to write specific rules from which such “rights” can be derived, we both would be acting immorally if we insist that our “rights” are in some way not rule dependent. Clearly, making rules has moral consequences. In the words of law professor H. L. Hart “law [and its rules] is best understood as a ‘branch’ of morality.” I agree. Whereas public rules or

laws are generally designed to reduce a community's anxiety over existence, the city rule that permits increased density without a complementary increase in parking space within the University Heights district has had the opposite effect. It has increased the anxiety level of my family, my neighbors, in fact, everyone who possesses an automobile. The daily rhetorical question will now be: Where in the world will I and my guests find a place to park?

Finally, because of the advantages of living near to the University of Florida two young couples have recently purchased homes in the district. It is a trend that should be encouraged rather than discouraged. However, by granting this developer the authority to continue with his plans to build a four story complex, it means new rules will have been instituted that can only eat away, piece by piece, what has been designated an "historic district." Clearly unbridled individualism and social rules that increase anxiety will destroy any sense of community. On the other hand, only rules mutually agreed upon by those who live in the district along with an internal desire to *exist-for*-significant others, that is, one's neighbors, can enhance a sense of community. But as a realist, this may be too idealistic in what one writer describes as a "generation predisposed to me-first entitlement attitudes" and where the grammatical order of pronouns is being pressured to change from "you and I" to "*me* and you."

From a linguist, anthropologist, community development specialist, and translator of the Chácobo New Testament, (an Amazonian tribe of Northern Bolivia).