



Request for City Council Committee Action from the Department of Community Planning & Economic Development – Planning Division

Date: September 17, 2007 (**REVISED**)

To: Council Member Gary Schiff, Chair, Zoning and Planning Committee
and Members of the Committee

Referral to: Zoning and Planning Committee

Subject: Appeal of the decision of the Heritage Preservation Commission (HPC) to deny the Certificate of Appropriateness (COA) application for the proposed Flour Sack Flats 2 Revised project (BZH-25037)

Recommendation: The HPC adopted the staff recommendation June 5, 2007 to deny a COA to allow the construction of a 10 story condominium building in the Saint Anthony Falls Historic District.

Previous Directives: N/A

Prepared or Submitted by: Erik Carlson, Senior Planner, 612-673-5348

Approved by: Jack Byers, Planning Supervisor, 612-673-2634

Presenters in Committee: Erik Carlson, Senior Planner

Financial Impact (Check those that apply)

- No financial impact (If checked, go directly to Background/Supporting Information).
- Action requires an appropriation increase to the _____ Capital Budget or _____ Operating Budget.
- Action provides increased revenue for appropriation increase.
- Action requires use of contingency or reserves.
- Business Plan: _____ Action is within the plan. _____ Action requires a change to plan.
- Other financial impact (Explain):
- Request provided to department's finance contact when provided to the Committee Coordinator.

Community Impact (use any categories that apply)

Ward: 3

Neighborhood Notification: The Marcy-Holmes Neighborhood Association was notified of the appeal on June 1, 2007.

City Goals: See staff report.

Comprehensive Plan: See staff report.

Zoning Code: See staff report.

Living Wage/Job Linkage: Not applicable.

End of 60/120-day Decision Period: Not applicable

Other: Not applicable.

Background:

Staff deemed the application for Certificate of Appropriateness (COA) complete on March 27, 2007. It was heard at the May 1, 2007 HPC hearing. The day of the hearing, BKV Group, the designers of the proposed project, sent an email to City staff with two new elevation drawings—one of the north façade and one of the south façade.

Staff presented the HPC the review and recommendations based on the package of drawings that were submitted by the Applicant in March. At the hearing, after the staff presentation, the Applicant asked the HPC for a continuance of one cycle so that they could meet with the neighborhood group and revise their design based on comments from the neighborhood. That being the case, staff then suggested and HPC required a continuance of two cycles in order to give staff time to review any new plans that were expected to be submitted after meetings with the neighborhood. The Commission asked the applicant to submit revised drawings to staff by May 15 so that there was adequate time for review of revisions by staff and distribution of revisions to commissioners in advance of their June 5 meeting. The Applicant did not submit revised drawings to staff by the date stipulated.

At the June 5 HPC hearing, Staff presented the plans that were earlier submitted by the Applicant. In the hearing on June 5, Applicant, represented by BKV Group, presented new building plans directly to the Commission. These plans had not been seen or reviewed by staff. The HPC made its decision to deny the COA based upon the earlier drawings that had been reviewed by staff and included in Commission packets.

An appeal of the HPC was submitted by the Applicant on June 15, 2007, but no drawings were included with the appeals application though they are a required element. In paragraph number 5 in the appeal application, they were to be submitted no later than June 19, 2007.

On July 10, 2007 new building drawings were submitted to staff labeled “Update” and “Option 2.” This agenda item was continued at the July 12, July 26 and August 9 Zoning and Planning Committee hearings. Update and Option 2 drawings were never presented by staff or formally evaluated by the HPC or staff.

A new set of drawings (dated August 20, 2007) was submitted to staff on August 21, 2007. An evaluation of these drawings by staff is contained below. The HPC has not seen, reviewed, discussed or made a decision about the drawings submitted on August 21, 2007.

On June 5, 2007 the Heritage Preservation Commission (HPC) denied the Certificate of Appropriateness (COA) application for the Flour Sack Flats 2 Revised project at 520 2nd Street SE based upon three findings:

3. The 2nd Street SE and the south (rear) elevation which faces Main Street and the rail corridor are primary facades. The south façade extends 22 feet beyond the wall plane established by adjacent structures and therefore does not comply with District Guidelines H(1) and H(3).¹

Principal elevations (including the elevation which faces the Mississippi River and Main Street) are not in line with existing facades. A visual wall is not formed but a protrusion into a corridor. The parking garage is a major projection into the railroad corridor.

7. Brick is used sparingly and with the effect of creating horizontal openings. The design and size of the pre-cast concrete panels have no historic precedent in the District. The exterior surface of the new building which is primarily glass does not meet District Guideline H(5) or H(9).²

Glass is used extensively and accented by aluminum posts. The first and second floors on the west, south and east facades are clad in grey pre-cast concrete. This color is not deep red or buff.

8. Openings do not appear in a consistent and repeated pattern across the principal facades and very few window openings meet the guidelines which recommend that they be 2 ½ to 3 times as tall as they are wide. The proposed building does not meet District Guideline H(6).³

¹ H(1) Siting: New buildings shall be constructed with principal elevations in line with the facades of existing buildings. New construction shall continue to form a visual wall along the street.

H(3) Rhythm of Projections: There shall be no major projections on the principal facades, since there is no consistent pattern of projections of the existing buildings.

² H(5) Materials: The exterior surface of new buildings shall be constructed of brick, stone or concrete.

H(9) Color: The primary surfaces of new buildings should be deep red or buff, similar to the existing unpainted buildings. Trim should be subdued earth tones or flat black.

³ H(6) Nature of Openings: Openings should appear in a consistent and repeated pattern across the principal facades. Window openings should be approximately 2-1/2 to 3 times as tall as they are wide. Doors and windows should be set toward the front of the openings but should not be flush with the masonry surface. "Storefront" construction may be used on the first floor.

At the scale from which the building would be seen, the brick façade defines the window openings. These openings are horizontally dimensioned.

CPED-Planning Staff Re-Evaluation and Update of Findings for consideration by Zoning and Planning Committee (based on drawings submitted to staff by the Applicant on August 21, 2007):

New drawings were submitted to CPED-Planning Staff August 21, 2007. The findings above are re-evaluated using these drawings and comparing them to drawings originally submitted by the Applicant in March 2007, and subsequently reviewed by staff, and considered and acted upon by the Commission.

Re-Evaluation of Finding 3

The drawings dated August 20, 2007 show a building which extends 14 feet beyond the walls of the adjacent buildings. Fourteen feet is the same distance which was approved by the City Council on October 8, 2004 for a different building on this site. However, the south wall of this proposed building is a principal elevation as determined by the Zoning and Planning Committee on September 15, 2004 (finding 2), and staff and the HPC on July 5, 2007.⁴ Therefore, a 14 foot extension of the south wall of the proposed building is not allowed according to District Guideline H(1).

This guideline is important in this case due to the rail corridor and what is left of railroad tracks south of the proposed building. The State Historic Preservation Office as part of the Environmental Assessment Worksheet for the Pillsbury “A” Mill⁵ commented, that although not specifically documented in the district nomination or in the individual nomination, these tracks should be considered historic resources, contributing to the understanding of the historic functions within the district and of the [“A”] mill itself.

Two sets of tracks closest to the proposed condominium project have been removed (without City approval as the City Council required in October 8, 2004) but the rail corridor remains intact as a visual transportation corridor with three sets of remaining tracks.

The riverfront derives its vitality from a tension between nature (i.e. the river, falls, bluffs and tree-lined trails) and an historic industrial urbanity. The rail corridor is a mirror image of the nearby natural corridors (such as the river and walking and biking trails) running through the historic district which speaks directly to the contrasts of the district

⁴ The “primary façade” was used in the July 5, 2007 staff report as opposed to “principal elevation.” The meaning of the terms is the same.

⁵ Completed January 2004

and makes it a place people want to experience. This evidenced by the private economic investment in this area.

Staff advice to the Zoning and Planning Committee: *Compromising the historic rail corridor with a parking ramp is not in keeping with District Guidelines H(1) and H(3) and erodes the integrity of the district, even if the actual tracks are removed.*

Re-Evaluation of Finding 7

Bronze-colored aluminum bars which separate windows of the condominium units in drawings reviewed by the HPC have been replaced with brick columns in the August 20, 2007 drawings. Additional brick columns have been added. The parking levels of the building are now brick. They were concrete. The openings in the concrete were curvilinear. Now the openings in the parking levels are vertical and a pattern is repeated.

Staff advice to the Zoning and Planning Committee: *Brick is used to a degree which complies with District Guideline H(5). The building's color also complies with District Guideline H(9). The west and south facades of the parking garage are intrusive and inappropriate for the district.*

Re-Evaluation of Finding 8

Window openings in drawings dated August 20, 2007 have been altered from the original drawings submitted to the HPC. The drawings reviewed by the HPC June 5, 2007 show window openings separated by bronze-colored aluminum bars. These bars and the most noticeably the brick façade, created horizontal window openings.

Windows are proposed to be separated with brick posts in a consistent and repeated pattern. Windows are 2 feet 8 inches wide and 7 feet 6 inches tall. Window openings are 2 ½ to 3 times as tall as they are wide. The elevator core also has window openings which are at least 2 ½ to 3 times as tall as they are wide separated by aluminum posts. The pattern of openings on the elevator core is consistent and repeated because the pattern is reversed on every other floor.

Staff advice to the Zoning and Planning Committee: *Window openings on the residential portion of the building comply with District Guideline H(6) both in terms of their dimensions and in the fact that the window pattern is repeated.*

Other Changes

Height: The proposal calls for the building height to be increased from 124 feet to 145 feet—10 stories to 12 stories. The previous height was not a reason for the HPC denial of the COA. In a COA, height of buildings in the Saint Anthony Falls Historic District is

governed by District Guideline H(2).⁶ The buildings used to determine the appropriateness of the height are:

	<u>Feet Above Mean Sea Level</u>	<u>Feet Above 2nd St at 3rd Ave</u>
Pillsbury "A" Mill	919	79
Red Tile Elevator	1001	161
Silos	950	110
Head House	998	158
Flour Sack 2 Revised, Aug 21	966	145

The proposed condominium tower is taller than two of the buildings above and shorter than two of the buildings above using the two measurements.

Staff advice to the Zoning and Planning Committee: The proposed building is within the range of appropriate heights for the district and is in compliance with District Guideline H(2).

Updated Findings:

In conclusion, the only remaining conflict staff has identified between the Saint Anthony Falls Historic District Guidelines and the August 20, 2007 plans is that the proposed building is not constructed with its south principal elevation in line with the facades of existing buildings.

The findings below are the original findings of the HPC on June 5, 2007. CPED-Planning staff have modified these findings in accordance with the analysis above in order to assist the Zoning and Planning Committee.

1. The building is proposed new construction in the Saint Anthony Falls Historic District, Sub-district H.
2. The State Historic Preservation Office has determined the railroad tracks within the district should be considered historic resources and they contribute to the understanding of the historic functions within the district. ~~City Council has determined that the most northerly rail line running through the applicant's property may be removed. The proposed development would require the removal of at least two sets of railroad tracks and would encroach on the railroad corridor.~~

⁶ Height: New buildings to be no higher than that of existing silo-mills in the area.

3. The 2nd Street SE and the south (rear) elevation which faces Main Street and the rail corridor are primary façades. The south façade extends ~~22~~ **14** feet beyond the wall plane established by adjacent structures and therefore does not comply with District Guidelines H(1) and H(3).
4. The proposed development's **height** is ~~generally lower than the~~ **within the range of** silo-mills heights in the area and meets the District Guidelines for height H(2).
5. ~~[Removed by HPC action July 5, 2007] The proposed structure does not meet City Council approval conditions for height or the location of the rear (south) wall. The proposed structure does not meet HPC approval conditions for height for the previously proposed building on this site.~~
6. The building has no clear directional emphasis and meets District Guideline H(4).
7. ~~Brick is used sparingly and with the effect of creating horizontal openings. The design and size of the pre-cast concrete panels have no historic precedent in the District. The exterior surface of the~~ **residential portion of the new building which is primarily brick and glass and the parking garage is brick. While the materials are compatible, the west and south facades of the parking garage are intrusive and inappropriate for the district.**
8. Openings do ~~not~~ appear in a consistent and repeated pattern across the principal facades **including the garage** and very few window openings **do not** meet the guidelines which recommend that they be 2 ½ to 3 times as tall as they are wide.
9. Glass specifications meet prior approval conditions by the City Council and HPC.
10. Upper termination of the building is emphasized by terra cotta and a flat roof and meets District Guidelines H(7) and H(8).
11. ~~[Removed by HPC action July 5, 2007] Due to the proximity of adjacent buildings which contribute to the Saint Anthony Falls Historic District, site stabilization is a concern.~~

Supporting Material

Staff Report to HPC, May 1, 2007

HPC Actions, May 1, 2007

HPC Actions, June 5, 2007,

Meeting Minutes May 1, 2007

Meeting Minutes June 5, 2007

Appeals Application Materials

Marcy-Homes Neighborhood Association Materials