

City of Minneapolis
Community Planning and Economic Development
Heritage Preservation Commission
5-01-2007

520 2nd Street SE, St. Anthony Falls Historic District, Ward 3 (Staff: [Erik Carlson](#)) Certificate of Appropriateness to construct a 10 story condominium building.

Staff Erik Carlson: We have several findings and I'll read this into the records:

Erik Carlson: The building is a proposed new construction in the Anthony Falls District in Sub -district "H". The State's Historic Preservation office has determined that railroad tracks within the district should be considered historic resources. Through the understanding of the historic functions within the district City Council has determined that the most orderly rail line running through the applicant's property may be removed.

Erik Carlson: The proposed development would require the removal of at least two sets of railroad tracks and would encroach on the railroad corridor. The Second Street SE and south rear elevation which faces Main Street and the rail corridor of primary facades. The south façade extends 22 feet beyond the wall plane established by adjacent structures and therefore does not comply with district guidelines H1 and H3.

Erik Carlson: The proposed development is generally lower than the silo mills in the area and meets the district guidelines for height, H2. 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 that came before you. The building has no clear directional emphasis and meets district guidelines H4. Brick is used sparingly and with the effective creating horizontal openings, the design and size of the pre-cast concrete panels at the base of the building that enclosed the garage have no historical precedent in the district. The exterior service of the new building which is primarily glass does not meet district guidelines H5 or H9. Openings do not appear in consistent and repeated patterns across the principal façades and very few window openings meet the guidelines which recommend they be 2 ½ to 3 times as tall as they are wide. The proposed building does not meet district guideline H6. Glass specifications meet prior approval conditions of the City Council and HPC. A determination of the building as emphasized by Terra Cotta and a flat roof -- both of which meet district guidelines. Due to proximity of adjacent buildings which contribute to the St. Anthony Falls' historic district site stabilization is a concern.

Erik Carlson: Staff recommends the HPC **adopt** staff findings and deny the Certificate of Appropriateness for the proposed work.

Erik Carlson: I can take questions.

Madame Chair Messenger: Thank you very much Erik.
Is there anyone wishing to speak for or against this item?

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| PUBLIC HEARING OPENED |
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Stephen Min: Madame Chair members of the Commission, my name is Stephen Min. I'm with Flour Sack Flats, LLC. At the request of Council member Diane Hofstede and the Marcy-Holmes Neighborhood Association, we'd like to ask for a postponement for two weeks until your next meeting for deliberation on this issue. The neighborhood has asked us to come to the Land Use Meeting tomorrow to raise some questions with us that we'd like to address. I have instructed my architects not to come over. We are not prepared to respond to any of the staff report tonight.

Madame Chair Messenger: Okay, thank you. Jack can you help me with this.

Staff Jack Byers: Sure, Madame Chair and Commissioners we did not have notification from the applicant. Is the hearing closed?

Madame Chair Messenger: Mr. Min, I am going to close the public hearing for right now.

Stephen Min: You might have other speakers but okay.

Jack Byers: Madame Chair you might want to find out if there are others to testify.

Madame Chair Messenger: Are there other speakers on this?

Jo Raswell: I'm Jo Raswell from the Marcy Holmes Neighborhood Association and if it's postponed; I would just assume to withhold any thoughts that I have until after they have met with us tomorrow. So, I would urge that you postpone it.

Madame Chair Messenger: Council Member Hofstede?

Council Member Diane Hofstede: Thank you Madame Chair, I would urge postponement for two weeks. Thank you.

Madame Chair Messenger: I'm going to close the public hearing unless there is anyone else who wishes to speak.

Jack Byers: Madame Chair, Commissioners, to your questions, the staff was not notified. We didn't find out until just now that the applicant is seeking a

postponement. We certainly require that all applicants notify the neighborhood organizations, and we certainly encourage them to work the neighborhood organizations prior to submitting an application. So that the application itself is reflective of not only the developers thinking for the project; but also the professional advice that the developer has received so that it also reflects the neighborhoods point of view. To that end, we assume that when we receive an application and the staff starts to work on it that it has been through that process. I would like to recommend to the commission that you consider if this is delayed for two more weeks then you will not have the opportunity to have a new staff report because the staff reports that will come to you for two weeks are already written and under review.

Jack Byers: So, your options are to delay this a month so that staff can review new information from the applicant and synthesize that, do the analysis and make a responsible recommendation to the commission so that the commission may read it and understand it prior to coming into the hearing. The other option is that you follow the staff recommendation which is a recommendation for denial of the project. The staff feels that while this particular project has had some design work that the amount of design work that has been put into the project thus far is not reflective of the quality that is necessary for this most important district.

Madame Chair Messenger: Thank you, Jack. The public hearing is closed.

Stephen Min: Madame Chair may I have an opportunity to at least address the issues that the staff has presented to you as an option?

Madame Chair Messenger: The hearing is closed.

Stephen Min: It's really a pleasure to accommodate the council member and the neighborhood and then be given an option to come back a month later, Madame Chair. Why don't you take action on it and I'll appeal it.

Madam Chair Messenger: Members of the commission we have this before us and they've asked for a postponement for two weeks. Our staff is telling us that the option is that we want the neighborhood and the developer to be able to work together. Obviously, that makes sense. I'm not certain what a difference two weeks or a month makes because a new set of drawings will have to be submitted and the staff is going to need to look these over. My feelings is that we should postpone this for the June meeting and let the neighborhood and the developer work this through and give the staff enough time to review properly the drawings that are needed for them to make a determination.

Commissioner Anderson: Is that a motion?

Madam Chair Messenger: Yes.

Commissioner Anderson: I want to ask Mr. Byers a question. If we deny this application, what is the next step for the developer? That doesn't preclude the developer from continuing talking to the neighborhood and submitting a new application.

Jack Byers: Madame Chair and Commissioner Anderson, the staff recommendation that you have is based on the application and the drawings submitted. Based on that the staff is recommending denial, of course, it is the commission's decision. If the commission makes a decision to approve it, deny or approve it with conditions then the developer as well as any interested party has ten days to appeal that decision and that decision is appealed to the Zoning and Planning Committee of the City Council. At that point, the Zoning and Planning Committee would look at this application and make a determination about this application and weigh public testimony at that time based on in conjunction with the staff report and what the commission decision has been made. And that decision is final for the period of one year unless there are substantial changes that come back in a new Certificate of Appropriateness.

Jack Byers: If the commission instead chooses to continue this item then what that does is it allows the neighborhood to look at the current proposal but the developer would have to, presumably if the developer is interested in working with the neighborhood, would be coming up with new drawings based on that conversation and then those new drawings would have to be submitted to staff and the staff would have to redo a report and update the commission on the updated design. That cannot be done – the staff process cannot be done effectively in a way -- that is responsible to give the commission advice and recommendations in a two-week period. We have occasionally seen this with other projects and often times the staff work is done two, three even four times because the design process is not done at the time that we receive the application. So, certainly we try to work hard with applicants and developers too, discourage them from applying and moving into the process until their design work is done.

Stephen Min: Our design work is done. I won't make a single change from never meeting and this request delay has given me my Council Hofstede two hours ago. Now, he would give me a fair process or take a denial and I'll do an appeal. This is ridiculous.

Commissioner Anderson: So the motion on the floor is that we move to continue this for another cycle?

Madam Chair Messenger: Yes

Commissioner Anderson: Another whole cycle? I'm going to second that.

Jack Byers: Madame Chair and Commissioner Anderson if I could, I would recommend that you consider continuing it two cycles because the next cycle in two weeks we will not have had ample opportunity to give you new updated information. Two cycles is what we would need in order to give you staff update.

Madam Chair Messenger: Then the recommendation is to continue for two cycles, are you okay with that? All of those in favor signify by saying “aye” – aye, aye. Opposed? The motion carries.

ACTION: MOTION by Madame Chair Messenger of postponement of the Certificate of Appropriateness for two meeting cycles; **SECONDED** by Commissioner Anderson and unanimously **APPROVED** with no abstentions.