



**Request for City Council Committee Action
From the Department of Community Planning & Economic Development**

Date: September 16, 2004

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

Prepared by: Amy Lucas, Senior Planner, CPED-Planning (612-673-2422)

Presenter(s) in Committee: Amy Lucas

Approved by: Barbara Sporlein, Director, Planning _____

Subject: Appeal from the August 10, 2004 Heritage Preservation Commission
Hearing

RECOMMENDATION: To adopt Heritage Preservation Commission findings and deny the appeal to allow an eight-story condominium building at 520 Second Street SE

Previous Directives: N/A

Financial Impact (Check those that apply)

No financial impact

Community Impact

Ward: 2

Neighborhood Notification: Marcy-Holmes

City Goals: Consistent with "Preserve and enhance our natural and historic environment and promote a clean, sustainable Minneapolis."

Comprehensive Plan: Consistent

Zoning Code: Section 599.120 authorizes the Heritage Preservation Commission to hear and decide applications for certificate of appropriateness" and Section 599.350 requires "the commission make findings that the alteration will not materially impair the integrity of the landmark, historic district."

Background/Supporting Information:

The attached report summarizes the actions taken at the Heritage Preservation Commission meeting held on August 10, 2004. The staff report, findings, public hearing testimony and recommendations are respectfully submitted for the consideration of your Committee.

**CITY OF MINNEAPOLIS
CPED PLANNING DIVISION
HERITAGE PRESERVATION COMMISSION STAFF REPORT**

FILE NAME: 520 Second Street SE, 520 ½ Second Street SE, 110 5th Avenue SE

DATE OF APPLICATION: 7/21/04

APPLICANT: Bluff Street Development LLC for Lupe Development Partners

DATE OF HEARING: 8/10/04

HPC SITE/DISTRICT: St. Anthony Falls Historic District

CATEGORY: contributing

CLASSIFICATION: Certificate of Appropriateness for New Construction

STAFF INVESTIGATION AND REPORT: Amy Lucas

DATE: 7/30/04

A. SITE DESCRIPTION:

The three buildings located at 520 Second Street SE, 520 ½ Second Street SE and 110 5th Avenue SE sit within the St. Anthony Falls Historic District. The three buildings sit mid-block between Fifth Avenue SE and Sixth Avenue SE on the river side of the street. The rear of the buildings face the Mississippi River and are backed with rows of railroad tracks that spur into the Pillsbury “A” Mill complex on the northern blocks. The buildings on this block were all designed to accommodate the rear rail yard and many have their original loading docks and large garage doors.

129 Sixth Avenue SE: The two-story brick building on the corner of Second Street and Sixth Avenue is currently operated by the W.D. Forbes Company. Forbes also has one and two-story manufacturing buildings across Second Street. The building located at 129 6th Avenue SE was constructed in 1884 as the Shepard Manufacturing Company which manufactured broom handles. A rear addition was added after 1947. This building will remain on the site under continued ownership of the Forbes Company. The proposed new construction will abut this building.

520 ½ Second Street SE: The building located at 520 ½ Second Street SE sits between 520 Second and the corner building on 6th Avenue SE (Forbes building, 129 Sixth Ave SE). This one-story, red brick building was constructed in 1892 as an addition to the Union Railway Storage Company complex which began operation on this block in approximately 1883. The elevation facing Second Street has received new windows with brick infill and the central garage door has been filled with brick and a window. The elevation facing the river and railroad tracks retains original integrity. The elevation facing the tracks is raised to accommodate load transfers from trains and has a large garage door. The location of the building was specifically chosen for the proximity to the railroad and the design reflects the industrial use of the historical period. As

the rail yards disappear and the riverfront is redeveloped few historical warehouse type buildings survive.

520 Second Street SE: The building located at 520 Second Street SE is a two-story, red brick building with a central garage door opening. The building was constructed in 1945 for the Minneapolis Equipment Company and was used as a machinery repair shop. The brick veneer faces Second Street and the rear of the building is concrete block facing the river and the railroad tracks. The elevation facing the tracks is raised to accommodate load transfers from trains and has a large garage door. Previous buildings on this property were built and operated by the Union Railway Storage Company.

110 Fifth Avenue SE (518 Second Street SE): The building located at 110 Fifth Avenue SE is at the opposite corner of the block. The property is currently owned by the Soap Factory art gallery (a.k.a. No Name Gallery). The applicant is applying for the demolition of a small freestanding portion of this building which sits at 518 Second Street SE; the owner has made arrangements with the Soap Factory owners to purchase and demolish this building. This one-story concrete block building measures 30' by 24' and was constructed in 1938. The building is an early two-car garage with a brick lintel over the doors. The applicant is also applying for the removal of the loading dock behind the garage. The loading dock is attached to the rear of building at 110 5th Avenue SE which was constructed in 1883. It is unclear how the applicant will treat this early warehouse which is part of the Soap Factory property. The Soap Factory building owners will retain ownership of the remainder of the building. The Soap Factory building was constructed in 1883 for the Union Railway Storage Company and has a later 1892 addition also. These historic buildings will abut the proposed new development.

The street faces of these buildings are all at the same alignment against the sidewalk edge. This wall of historic one and two-story masonry buildings creates a viewscape that continues into the next few blocks of Second Street with the historic Herzog buildings.

A single-family, two-story residence with a two-story carriage house sits directly across the street at 204 Fifth Avenue SE. The Tuttle-Chapman House was constructed in 1885. The building next to the residence is a one story steel warehouse which was constructed in 1956 for Butler Manufacturing Company. (The applicant is planning to demolish this 1956 building in the future, but has not applied through the HPC. This property is handled in the attached EAW.) The historic district boundary is along Sixth Avenue SE, but the historic viewscape continues along the block south of Second with the long two-story brick building built in 1890 for the Herzog Iron Manufacturing Company (a.k.a. American Bridge Company Plant or Metal Matic).

B. BACKGROUND:

The Certificate of Appropriateness for the demolition of the three buildings at this location is handled in a separate staff report.

C. PROPOSED CHANGES:

The applicant is proposing to construct an eight-story condominium building with three levels of underground parking. The building will have 65 dwelling units and 91 parking spaces. The building will be 84 feet tall at the cornice level above Second Street SE. There will be a trellis and two rooftop penthouse stair towers on top of the building; these structures are not calculated in the height. The lot slopes down to the river, but the height above Main Street is not provided. Heights of buildings in the area were calculated as part of the Pillsbury A Mill EAW. (See Attachment D) Current zoning for this proposal limits the height of new construction to four stories or 56 feet whichever is less. Current zoning also limits these three combined parcels to 25 dwelling units.

Access to the underground parking is proposed along the west elevation between the new construction and the Soap Factory/No Name Gallery building at 110 Fifth Avenue SE.

The building design incorporates a buff colored, one-story base of precast concrete panels with a dark red brick shaft. (samples provided) The cornice detail is a simple precast concrete panel. The eighth floor is set back with railings around the perimeter of the roof. The proposed windows are arranged in a consistent pattern and are industrial-style, small paned windows. Window choice is unclear. Applicant submitted specifications for aluminum single hung windows and for steel tilt windows. Both types appear to be small-paned and industrial in scale.

The main elevation along Second Street will have a red brick and precast concrete veneer. The entrance is centered with a canopy and there are three bays of inset balconies on this elevation. Balcony railing details with a metal mesh design are provided in the packet.

The elevation facing the river (south) will have corner balconies and hanging balconies. A central stair accessing a proposed garden is at the parking deck base. The two-story parking deck base facing the river lacks design elements that break the flat wall. The dark brick will be employed in the central shaft of the building, but the sides and center strip will have corrugated metal siding. (sample provided)

The side elevations (west and east) are similar with brick, precast concrete panels and corrugated metal siding. The balconies on these elevations are inset. The two-story Forbes building to the east and the two-story No Name Gallery building to the west will remain. The Forbes building wall will abut the proposed construction and there will be a driveway separating the No Name Gallery building to the east along Second Street. A rear section of the No Name Gallery will abut the proposed new construction. The owners of the No Name Gallery have expressed concern about the implications of the demolition on the stability of their wood frame building as part of the EAW process.

D. GUIDELINE CITATIONS:

ST. ANTHONY FALLS HISTORIC DISTRICT GUIDELINES (June 1980)

An addition to "District Guidelines for Utilization" (adopted April 18, 1978)

Preamble

The St. Anthony Falls Historic District is a varied area that includes structures of historical significance (e.g. mills), some that are architecturally distinguished (e.g. Our Lady of Lourdes), buildings that contribute to the historicity of the district (e.g. Salisbury Mattress Co., now Main Place), some non-contributive buildings (e.g. Post Office Parking Ramp), and also a great deal of open space. Traditional, uniform regulations are not adequate because of this variety. Instead, the HPC has divided the district into sub-areas that contain structures with common features and that share common concerns.

Purpose

The purpose of the Heritage Preservation Commission in following these regulations for permit review is to provide architectural control and maintenance of the St. Anthony Falls Historic District by promulgating regulations governing construction and rehabilitation for the preservation, protection and perpetuation of the St. Anthony Falls Historic District designated by the State of Minnesota.

These regulations apply to any and all new construction and rehabilitation of existing buildings and structures within the St. Anthony Falls Historic District.

The furthermore are intended to:

- 1) preserve the memory of past events
- 2) encourage sympathetic new development
- 3) encourage and enable access to the river
- 4) foster along the riverfront and adjacent areas a viable community geared to the pedestrian.

General Regulations

Infill construction shall be visually compatible with historic structures within the sub-area with regard to siting, height, proportions of facade, walls of continuity, rhythm of projections, directional emphasis, materials, nature of openings, texture, roof shapes, details, and color.

The Heritage Preservation Commission shall review all permit requests according to the standards established in the regulations. Variances to these regulations will be granted only in cases where an applicant clearly demonstrates that an alternative design is a superior and compatible solution.

H. Left (East) Bank Milling

This area is bounded by Central Avenue, University Avenue and Sixth Avenue Southeast, excluding the block bounded by University Avenue, Sixth Avenue Southeast, Second Street Southeast, and Fifth Avenue Southeast.

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.
2. Height: New buildings to be no higher than that of existing silo-mills in the area.
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.
4. Directional Emphasis: The existing buildings have both vertical window bays and horizontal belt courses, resulting in a non-directional emphasis. Therefore, new construction also shall have no strong directional emphasis.
5. Materials: The exterior surface of new buildings shall be constructed of brick, stone or concrete.
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.
7. Roof Shapes: New buildings should have flat or nearly flat roofs.
8. Details: New buildings should have some emphasis given to the upper termination of the building. Where other surface treatment is used, it should reflect details from other buildings.
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.

E. FINDINGS:

1. The building is proposed new construction in the St. Anthony Falls Historic District.
2. The proposed construction meets the guidelines for siting, rhythm of projections, directional emphasis and roof shape.
3. The color of the windows, railings and doors of the proposed new construction has not been submitted so staff is unable to determine compatibility within the historic district. The proposed brick and stone colors are deep red and buff as recommended in the design guidelines. The silver metal (zinc) siding is not an inconsistent color in the historic district.
4. The design of the north, east and west elevations follow the guidelines for nature of openings. The elevation facing the river (south) does not follow the guidelines for nature

of openings. This elevation is a principal elevation and will affect the river views and Main Street views. The two-story parking deck base is void of openings or design elements that break the monotony of the 95' 6" long wall.

5. The proposed construction is inconsistent with the guidelines for height and proportions. The "east side milling district" section of the guidelines state that the height of new buildings shall be no higher than existing silo-mills in the area. But the general guidelines at the beginning of the guidelines state that infill construction shall be visually compatible with historic structures with regard to height and proportions. This proposed eight-story building is incompatible with the surrounding block and neighboring historic structures which are one and two-stories. The proposed construction will dwarf the two historic structures that will remain on the block and the single-family residence across the street. The zoning code restricts heights to four stories or 56 feet in this area. A four story building would not dwarf the remaining historic structures or historic viewscape of the St. Anthony Falls Historic District.
6. The proposed construction is inconsistent with the guidelines for materials which states that new buildings shall be constructed of brick, stone or concrete. The proposed new construction will employ corrugated metal siding as well as brick and precast concrete panels. Corrugated metal is compatible with the industrial nature of the riverfront milling area and is an acceptable siding material at this location. The proposal will maintain a masonry façade on Second Street and corrugated metal is proposed for the sides and elevation facing the river. This design approach is compatible with the historical use of materials in the district which maintained industrial character towards the river and railroad tracks, but upheld a masonry façade along Second Street. The size of the precast concrete panels is unclear, but a smaller block size is appropriate and would not dwarf the brick of the historic facades along Second Street.

F. STAFF RECOMMENDATION:

Staff recommends that the HPC adopt staff findings and **approve** the Certificate of Appropriateness with the following conditions:

1. The building height shall be limited to four stories or 56 feet.
2. The south elevation facing the river must be redesigned at the parking deck level. The new design should break the flat wall pattern and can be accomplished through grilles, windows or a change in materials. Staff must approve the final design.
3. Staff must approve signage for the building.
4. Staff must approve final window, door and garage door specifications for the building including color.
5. Staff must approve all final building material samples for the proposal. The precast concrete panels shall not be larger than the standard concrete block.
6. Applicant shall monitor the stability of the surrounding historic buildings during the demolition/construction phase.
7. All glass must be clear, non-tinted, non-reflective glass. One coat of Low-E glazing is permitted on the interior surface of the windows.

8. The Certificate of Appropriateness is only valid if the HPC approves a Certificate of Appropriateness for the demolition of the three buildings (520 Second St. SE, 520 ½ Second Street SE, 518 Second St. SE), or if the City Council approves a demolition permit for the three buildings.

G. HPC RECOMMENDATION:

At the public hearing of August 10, 2004, the Heritage Preservation Commission voted to **adopt** the staff findings and **approve** the Certificate of Appropriateness with the staff conditions 1-7.

MINNEAPOLIS HERITAGE PRESERVATION COMMISSION

**ROOM 317, CITY HALL
350 SOUTH FIFTH STREET
MINNEAPOLIS, MN 55415-1385**

**PERMIT REVIEW/PUBLIC HEARING MINUTES
AUGUST 10, 2004
5:00 P.M.**

The meeting was called to order at 5:09 p.m. **Present:** Commissioners Anderson, Dunn, Glancy, Grover, Housum, Lee, Lindquist, Messenger and Nordstrom . **Excused Absences:** Commissioners Herman and Koski. **Staff Present:** Graham, Lucas, Mathis, Campbell.

PERMIT REVIEW/PUBLIC HEARING

Items for Public Hearing

- 1. 520 and 520 ½ Second Street SE and 110 Fifth Avenue SE, St. Anthony Falls Historic District, by Bluff Street Development LLC (Lupe Development Partners), for a Certificate of Appropriateness to construct an eight-story condominium building. (Staff, Amy Lucas)**

Ms. Lucas presented the staff report recommending that the HPC adopt staff findings and approve a Certificate of Appropriateness with the following conditions:

9. The building height shall be limited to four stories or 56 feet.
10. The south elevation facing the river must be redesigned at the parking deck level. The new design should break the flat wall pattern and can be accomplished through grilles, windows or a change in materials. Staff must approve the final design.
11. Staff must approve signage for the building.
12. Staff must approve final window, door and garage door specifications for the building including color.
13. Staff must approve all final building material samples for the proposal. The precast concrete panels shall not be larger than the standard concrete block.
14. Applicant shall monitor the stability of the surrounding historic buildings during the demolition/construction phase.
15. All glass must be clear, non-tinted, non-reflective glass. One coat of Low-E glazing is permitted on the interior surface of the windows.
16. The Certificate of Appropriateness is only valid if the HPC approves a Certificate of Appropriateness for the demolition of the three buildings (520 Second St. SE, 520 ½ Second Street SE, 518 Second St. SE), or if the City Council approves a demolition permit for the three buildings.

Commissioner Grover: "Looking at the East or West elevations towards the north end there appears to be a big blank wall, what is the material of that wall?"

Amy Lucas responded that the applicant can answer that question.

Commissioner Lindquist asked about the guidelines on the parking.

Amy Lucas: "all elevations in the historic district should have openings. In the staff report I sited the whole section of the St. Anthony Falls Historic District design guidelines. I do believe that the elevation facing the

riverfront and facing Main Street is a principle elevation. You are going to be seeing a lot of proposals here. You have already seen multiple pre-permits and discussions about new construction in this area.”

The public hearing was then opened.

Steve Minn, Bluff Street developer. “Want to cover 3 technical corrections from staff report. We believe the street façade along 2nd Street, both East and West of 6th Avenue varies between 2 and 15 stories in height above average terrain. There is a model prepared and we will show how the proposed development is in scale with the rest of the district. We do not believe that the district of significance is just the one block stretch from 6th to 5th. Rather it is the continuum of 2nd Street as the back of the river, back of the rail yards functioning sub-district. It is defined as a sub-district. The Soap Factory structure adjacent to our structure is partially 4 stories in some parts as is the warehouse #2 structure. The elevators that you approved for demolition subject to EIS clearance are in access of 15 stories in height. Metal Matic at it’s apex in mid-block of 2nd Street is actually taller than the Stone Arch Apartments, at 5 stories.”

Ms. Lucas: “Metal Matic is outside of the historic district.”

Steve Minn: “Our last point for technical correction is the Tuttle Chapman structure at 205 5th Street. It is on a reverse corner lot. It faces 5th Avenue. The frontage of the house is on 5th Avenue which we do not believe is the same streetscape that we are talking about as the industrial streetscape of 2nd Street which 5th Avenue North of 2nd was clearly residential in it’s orientation. We are not interfering or obscuring in anyway. Our frontage on 2nd is not interfering with that. I want to make sure that is a correction that you have for the record. That we do not believe Tuttle is an issue in terms of significance with that it impacts our streetscape which is the fabric of 2nd Street running from 35W all the way through to Hennepin Avenue.”

Jack Boarman, architect, with BKV Group demonstrated a context scale model, color condo rendering. Discussed materials being used on building. Pointed to an area and described the wall of six 8 x 12 recessed panels of brick within this pre-cast wall and in the center of each of those panels we have a 4 x 6 window. “We have a plan from 4 feet down that would have solid masonry and 10 feet above that would be the six windows. Hopefully that mitigates the solidity that wall which was a concern.”

Commissioner Messenger asked if the revised drawings were available.

Jack Boarman responded “No. We do look at the district as linear rail and river orientated district. (Referred to the scale model.) I do not think what we are doing creates an intrusion to the fabric of architecture of 2nd, University, and Hennepin to the freeway. Yes it is higher but I think it fits in.”

Commissioner Lee questioned the inaccuracy of the scale of the model and height level grades. Discussion followed about the scale problems with the model.

Steve Minn: “Metal Matic is six stories about 62 feet.”

Ms. Lucas responded “Metal Matic is 49 feet at the height on Second Avenue.”

Jack Boarman: “As Commissioner Lee pointed out our model is about 6 to 7 feet to high on the Forbes building.” He went on to point out buildings that were proposed but not reviewed by the HPC yet.

Commissioner Messenger stated that those were proposed buildings not something we have ever looked at.

Jack Boarman: “As a proposal is that the context of the overall scheme that the Bissell house, the freeway to Metal Matic and the Pillsbury complex we are higher. The difference between 55 and 84 feet, I do not believe is a material distant for impact on the street. As a point of reference we have reduced our garage width by 20 feet, 10 on each side to further guarantee that we will not be disrupting either the Soap Factory or the Forbes building with construction of the ramp. The concrete panels revealed to relate to quarry stone type of construction which is a little bit bigger than concrete block but still in the same fabric. It is a contemporary building designed with a historic fabric of materials and proportions.”

Steve Minn: “I want to enter two issues that relate to the staff findings. We feel that the district standards of the height at 84 feet. That is the specified height of the silo elevators we have attempted to embrace the district standards in terms of design. We have embraced the Marcy Holmes neighborhood master plan in terms of the street activation. And in the design context they wanted us to make for further street activation. We are fine with the staff request that the rear façade has some further activation. If we are able to work with Schaffer Richardson as competing developers toward some future development it would be nice to have a ribbon mid-block between 5th and 6th, the rear of our building and the front of their building could walk out. We would accept faux fenestration to achieve that effect if that is what staff and commission have in mind. Concrete panels are designed to reinforce the concrete block and look of the era. We would be pleased to score those in a design dimension that the staff feels is appropriate to the district.”

Commissioner Lee: “I thought the scoring was related to limestone sizes not concrete block sizes.”

Steve Minn: “I think its attempt is to replicate the limestone foundation and I think the architect’s attempt for the rendering was to achieve that effect. On the higher elevations we are using concrete panel as well in cooperation with the

corrugated fluted siding and that is where we have a varied dimension. If staff dictated to us what their preference was we would accomplish that with scoring. But they would be two different dimensions the base would represent limestone the higher elevations would represent concrete use.”

Michael Norton, attorney for the applicant, states: “The staff report recommends approval subject to conditions. Bluff Street can comply with staff conditions except for the height. Staff correctly points out that you can determine that there is an inconsistency between the generic description of what the district requires and the specific guidelines that relate to this area. I would point out that even in the generic regulation there is no specific height requirement. In looking at your action to determine if this is reasonable you have to consider what the specific requirements are within your guidelines that are applicable to this project. I think that you will come to the conclusion that this project meets the specific guidelines that are applicable in this part of the district. Particularly on item 2 where the height should be no higher than the existing silos mills. This building will meet that requirement. I do not believe that there is any other dispute by staff that the other elements of this specific requirements are lacking or inconsistent or not otherwise in compliance. Given Mr. Boarman’s discussion about how this area flows and the context and the fact that you know the height in this area significantly from the Stone Arch Apartments, over to the Metal Matic building and up to the red tile elevator and the other existing buildings in the A Mill complex, that there is no specific height requirement and that respect to the general regulations there are no facts on the records that would support conclusion that this height would violate. For your purposes there are clear facts that indicate that this project at 84 feet and it’s compliance with other elements with the specific requirements for this district. This project meets those requirements. Therefore a motion to approve the C of A at 84 feet consistent with staff conditions 2 through 7 would be in order.”

Ben Hayward from the Soap Factory. “The design of the building will affect our building considerably as one of the two neighbors. I would be interested to hear and see some new designs and color renditions on materials. The industrial nature of this particular neighborhood is not based on materials. The Soap Factory is not built with industrial materials. It is built of wood and brick. If you are looking for buildings that invoke an industrial past of this particular neighborhood you are not looking at detail and material you are looking at fenestration, brick courses, ceiling heights and the general massing of buildings rather than particular colors and types of materials. The site itself the main comment I have the rear wall of the Soap Factory and the rear wall of the Forbes. The rear wall juts out 15 feet from the existing rear wall line to the rail track side. What we feel needs to happen is some kind of master planning effort to look at the entirety of this 3 block area rather than to deal with these buildings on an individual basis. You had a complex discussion about building heights and now that discussion gets blown out of the water if the Shafer Richardson plan comes to variation and building heights at 15 – 20 stories on this site. You have this kind of garden treatment to the rear of the

520 building the way it juts out as well. As a building owner we are not planning any major demolition or extension to this building. I am concerned that this entire area gets looked at as a holistic totality and we get the best results for the neighborhood and for the city in terms of design, building use and open space use. I am not seeing that right now. We did not get a chance to talk at the EAW hearing at Planning committee which was cut short.”

Jack Boarman clarified that “the rear of our building does align, fifteen feet further out than the two adjoining buildings but are still within the property and set back requirements. A large percentage of the building is brick. We have brick in the front, back and brick in the middle but to soften the scale and the size of the building these vertical elements that project out as wings on either side are zinc metal. 65% of the building is brick.”

Mr. Forbes, owner of 129 6th Avenue SE. “We do not have a problem with the building design we would like to see more brick on the side of the building to match ours. Our concern is the height it dwarfs us, this is a finger in the sky next to our short two story building. Is it relative, does it look aesthetically pleasing to us? No. Could that be worked on? Yes. Is it economically feasible for them to put up a building of shorter height? We would like to see it in half or at least something that is scaled to our building on the corner. We are not going anywhere and are not going to take down our building.”

No one else wished to speak for or against the application. The public hearing was then closed.

Commissioner Grover: “On the East elevation why is there that large blank wall?”

Jack Boarman: “That wall is on the property line. The code does not allow us to have openings on the West side because we purchased the site where the one story block building was from the Soap factory. We were allowed to have windows because we are not on the property. Three-quarters of the building is set back from the property line sufficient to have the amount of glazing that we are showing on our elevations. That one 28 foot wall is right on the property line and in reality the Forbes building will block the visual of that.”

Commissioner Grover: “It will not block it out completely. The Forbes building is much smaller. In the staff report it says the current zoning for this proposal limits the height of new construction to four stories or 56 feet which ever is less. Is that a city zoning code?”

Blake Graham, CPED Planning staff: “Yes, that is the zoning regulation for the current zoning and also for the zoning that I believe is going to be requested for this property. In each case the height is 4 stories or 56 feet. Under either zoning classification the applicant may request approval to go higher. Your jurisdiction here as the HPC is to consider this proposed development within the context of

the historic district and the context of this development in terms of setting whatever maximum height you think is appropriate for this development outside of the zoning regulations.”

MOTION by Commissioner Grover to **adopt** staff findings and conditions 1 through 7 and **approve** the Certificate of Appropriateness to construct a condominium building. **SECOND** by Commissioner Dunn . **MOTION approved**. Commissioner Lindquist voted Nay.

Commissioner Lindquist: “From my point of view that I would offer a different motion which I am not doing right now. That would in effect would go through the conditions but, but the recommendation would be approving the C of A and adopting the following conditions except number 1 would be 84 feet at the cornice level above the 2nd Street SE. A little backing that I have on that is that I really do look at what is said for the East side milling district guidelines that no higher than existing silo mills in the area. To me is just a little arbitrary for us to decide that we are not going to consider that. Because the silo mill is much taller. Another piece of that is the memo from Ted Tucker which is his point of view, not officially the point of view of the Marcy Holmes land use committee, he did go ahead and mentioned that height is less than the red tile elevator.”

Commissioner Grover: “I made my decision based on what staff presented to us and the significance of development in this area. I see this building as being an intrusion into that area. We have a massing of scale that has been developed over time and is very unique. Height in this area is going to play a distinct character of this area. I do not want to be establishing precedence by trading something that is out of character. There is a character of smaller scale buildings on this end.”

MOTION by Commissioner Messenger to **adjourn**. **SECOND** by Commissioner Nordstrom. **MOTION approved**.

The meeting was **ADJOURNED** at 8:07 p.m.