

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

FILE NAME: 3009 Park Avenue, Pauline Fjelde Residence

CATEGORY: Historic Resource

CLASSIFICATION: Extension of Interim Protection

APPLICANT: City of Minneapolis, CPED-Planning

PUBLICATION DATE: December 22, 2009

DATE OF HEARING: December 29, 2009

APPEAL PERIOD EXPIRATION: January 8, 2009

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REQUEST: Extension of Interim Protection for Designation Study

A. BACKGROUND

On January 13, 2009 the Heritage Preservation Commission denied an application to demolish a historic resource at 3009 Park Avenue and directed the Planning Director to complete a designation study (Attachment A). Upon appeal, the City Council upheld the Heritage Preservation Commission's decision at their March 6, 2009 meeting (Attachment B).

The Pauline Fjelde Residence, located at 3009 Park Avenue, was constructed as a duplex in 1907 for Ms. Fjelde by Olof Eneroth. It was designed by Boehme & Cordella who were also the architects of the Swan Turnblad House (American Swedish Institute), one of the first two landmarks designated by the city on August 1, 1974, and Gluek's Restaurant, a contributing resource in the North Loop Warehouse Historic District.

The house sustained damage on September 29, 2009, in what has been declared an arson by the Minneapolis Police Department (Attachment C). Following the fire, staff reassessed the property's integrity and revised the designation study to note the damage to the building. On December 4, 2009, the City of Minneapolis' Problem Properties Unit issued orders to remove fire debris from the roof and grounds as well as to temporarily repair the roof with structural members, decking, and a covering material so as to prevent further building damage.

The State Historic Preservation Officer was sent a draft of the proposed designation pursuant to the requirements of state law and section 599.250 of the city's Heritage Preservation Regulations, which permits sixty days for this review. The State Historic Preservation Officer is expected to comment on the proposed designation by February 15, 2010.

The City Planning Commission's Committee of the Whole will review this item at their February 11, 2010 meeting. Pursuant to section 599.260 of the Heritage Preservation Regulations, the Committee will consider the relationship of the proposed designation to the city's comprehensive plan, the effect of the proposed designation on the surrounding area, and the consistency of the proposed designation with applicable development plans or objectives.

Following review by the State Historic Preservation Officer and City Planning Commission, the Heritage Preservation Commission and City Council must review the proposed designation. To permit sufficient time for all of these bodies to review the designation study, staff recommends the Heritage Preservation Commission extend the interim protection of 3009 Park Avenue for another six months, until June 13, 2010, or until a determination can be made, whichever occurs first.

Section 599.240 of the Minneapolis Code of Ordinance provides interim protection to properties during the time of a designation study. The interim protection period lasts twelve months from the decision to commence a designation study. This section stipulates that interim protection can be extended an additional six months to protect the designation process but that the Heritage Preservation Commission must hold a public hearing to consider the proposed extension of interim protection.

B. APPLICABLE ORDINANCES

ARTICLE V. DESIGNATION

599.200. Purpose. This article is established to promote the preservation of historic resources by providing the commission with authority to recommend the designation of landmarks and historic districts and to adopt design guidelines for designated properties. (2001-Or-029, § 1, 3-2-01)

599.210. Designation criteria. The following criteria shall be considered in determining whether a property is worthy of designation as a landmark or historic district because of its historical, cultural, architectural, archaeological or engineering significance:

- (1) The property is associated with significant events or with periods that exemplify broad patterns of cultural, political, economic or social history.
- (2) The property is associated with the lives of significant persons or groups.
- (3) The property contains or is associated with distinctive elements of city or neighborhood identity.
- (4) The property embodies the distinctive characteristics of an architectural or engineering type or style, or method of construction.
- (5) The property exemplifies a landscape design or development pattern distinguished by innovation, rarity, uniqueness or quality of design or detail.
- (6) The property exemplifies works of master builders, engineers, designers, artists, craftsmen or architects.
- (7) The property has yielded, or may be likely to yield, information important in prehistory or history. (2001-Or-029, § 1, 3-2-01)

599.220. Nomination of property. Nomination of a property to be considered for designation as a landmark or historic district shall be submitted to the planning director on a nomination application form approved by the planning director and shall be accompanied by all required supporting information. A nomination may be made by any of the following:

- (1) A member of the heritage preservation commission.
- (2) A member of the city council.
- (3) The mayor.
- (4) The planning director.
- (5) Any person with a legal or equitable interest in the subject property. (2001-Or-029, § 1, 3-2-01)

599.230. Commission decision on nomination. The commission shall review all complete nomination applications. If the commission determines that a nominated property appears to meet at least one of the criteria for designation contained in section 599.210, the commission may direct the planning director to

prepare or cause to be prepared a designation study of the property. In cases where an application for demolition is initiated by the property owner, the planning director may determine that the property owner bears the full financial responsibility of conducting the designation study. In all cases, the planning director shall define the scope of services for a designation study, review qualifications of agent conducting study and make a determination of what constitutes a final submission upon completion.

599.240. Interim protection. (a) *Purpose.* Interim protection is established to protect a nominated property from destruction or inappropriate alteration during the designation process.

(b) *Effective date.* Interim protection shall be in effect from the date of the commission's decision to commence a designation study of a nominated property until the city council makes a decision regarding the designation of the property, or for twelve (12) months, whichever comes first. Interim protection may be extended for such additional periods as the commission may deem appropriate and necessary to protect the designation process, not exceeding a total additional period of eighteen (18) months. The commission shall hold a public hearing on a proposed extension of interim protection as provided in section 599.170.

(c) *Scope of restrictions.* During the interim protection period, no alteration or minor alteration of a nominated property shall be allowed except where authorized by a certificate of appropriateness or a certificate of no change, as provided in this chapter. (2001-Or-029, § 1, 3-2-01)

599.250. State historic preservation office review. The planning director shall submit all proposed designations to the state historic preservation officer for review and comment within sixty (60) days. (2001-Or-029, § 1, 3-2-01)

599.260. City planning commission review. The planning director shall submit all proposed designations to the city planning commission for review and comment on the proposal within thirty (30) days. In its review, the city planning commission shall consider but not be limited to the following factors:

- (1) The relationship of the proposed designation to the city's comprehensive plan.
- (2) The effect of the proposed designation on the surrounding area.
- (3) The consistency of the proposed designation with applicable development plans or development objectives adopted by the city council. (2001-Or-029, § 1, 3-2-01)

599.270. Designation hearing. Following completion of the designation study the commission shall hold a public hearing to consider the proposed designation, as provided in section 599.170. Any person having a legal or equitable interest in a nominated property shall be allowed reasonable opportunity to give testimony or present evidence concerning the proposed designation. (2001-Or-029, § 1, 3-2-01)

599.280. Commission recommendation. Following the public hearing, the commission shall make findings with respect to the proposed designation and shall submit the same together with its recommendation to the zoning and planning committee of the city council. In making its findings and recommendation, the commission shall consider the designation criteria contained in section 599.210, the information contained in the designation study, the state historic preservation officer's comments, the city planning commission's comments, the planning director's report and all testimony and evidence received at the public hearing relating to the designation. (2001-Or-029, § 1, 3-2-01)

599.290. City council decision. The city council shall make the final decision on all designations. (2001-Or-029, § 1, 3-2-01)

599.300. Design guidelines. The commission shall adopt design guidelines for landmarks and historic districts. Prior to adoption, the planning director shall submit all proposed design guidelines to the state historic preservation officer for review and comment within sixty (60) days. (2001-Or-029, § 1, 3-2-01)

C. STAFF RECOMMENDATION

Staff recommends that the Heritage Preservation Commission **extend** interim protection on the property at 3009 Park Avenue for six months, until June 13, 2010, to allow for the proper review of the designation study.

Attachments

- A. Heritage Preservation Commission Actions from January 13, 2009
- B. City Council Actions from March 6, 2009
- C. Police Department Synopsis of Fire Reports for 3009 Park Avenue
- D. Heritage Preservation Commission Staff Report from January 13, 2009