

Department of Community Planning and Economic Development
Planning Division

Certificate of Appropriateness
BZH-26430

Date: October 5, 2010
Proposal: Request for Certificate of Appropriateness to install an outdoor television
Applicant: Wayne Belisle
Address of Property: 518 1st Avenue North
Project Name: 518 1st Avenue North Television
Contact Person and Phone: Wayne Belisle, 612-719-5905

Planning Staff and Phone: John Smoley, Ph.D., 612-673-2830

Date Application Deemed Complete: September 22, 2010

Publication Date: October 5, 2010

Public Hearing: October 12, 2010

Appeal Period Expiration: October 22, 2010

Ward: 7

Neighborhood Organization: Downtown Minneapolis Neighborhood Association

Concurrent Review: n/a

Attachments:

- A. Staff Report – A1-A14
- B. Materials Submitted by CPED – B1-B2
 - a. 350' map – B1
 - b. 350' map with comprehensive plan land use categories indicated – B2
- C. Materials Submitted by Applicant – C1-C38
 - a. Application – C1-C15
 - b. Letter to Neighborhood & Councilmember – C16-C17
 - c. Plans – C18
 - d. Photos – C19-C38
- D. Materials Submitted by Other Parties – D1

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- a. Downtown Minneapolis Neighborhood Association
comment letter – D1

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518 1st Street North, 2010, photo submitted by Applicant

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**518 1st Avenue North Alley (between two buildings, right side of photograph), 1910,
Minnesota Historical Society photograph**

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CLASSIFICATION:	
Local Historic District	Warehouse Historic District (contributing resource)
Period of Significance	1865 to 1930
Criteria of significance	The Warehouse Historic District is significant for its depiction of social history, architecture, and the work of master craftsmen during the period 1865 to 1930.
Date of local designation	1978
Applicable Design Guidelines	<i>The Secretary of the Interior's Standards for Treatment of Historic Properties</i> <i>Warehouse Historic District Design Guidelines</i>

PROPERTY INFORMATION	
Current name	Butler Square
Historic Name	Butler Brothers Building
Current Address	518 1 st Avenue North
Historic Address	111 5 th Street North
Original Construction Date	1906-1908
Original Contractor	T.B. Walker
Original Architect	Harry Wild Jones
Historic Use	Warehouse and office
Current Use	Office, nonprofit, and entertainment
Proposed Use	Office, nonprofit, and entertainment

BACKGROUND:

The elegant Butler Brothers Building is a large nine-story wholesale warehouse which occupies half a city block. The exterior is constructed with a deep wine-red brick with a semi-glazed finish in the basement and the parapet. A brick band is placed above and below the second story to give the building a strong horizontal expression. Above this window openings are organized as vertical elements through the use of recessed brick spandrels and pointed Gothic arches at the top floor. The windows have been modified with spandrel glass installed between the vertical window openings. A corbelled parapet with geometric ornamentation caps the building.

The Minneapolis Warehouse Historic District is historically significant as an early example of commercial growth as the city's warehouse and wholesaling district. The district expanded during the late nineteenth and early twentieth centuries and helped transform Minneapolis into a major distribution and jobbing center for the northwest. The district is also significant for its concentration of commercial buildings representative of every major architectural style from the late nineteenth to early twentieth century. Finally, the district is significant for exemplifying the work of master craftsmen in its construction.

The exterior portions of the subject property contribute to the district's significance. Designed by Harry Wild Jones and constructed by T.B. Walker from 1906-1908, the building is representative of Gothic Revival architecture, warehousing, and the work of master architects characteristic of the district. The Butler Brothers Company was one of the largest wholesalers of general merchandise in the United States. The firm began in Boston in 1877 and established branches in New York, Chicago, St. Louis, Minneapolis and Dallas. The Butler Brothers Building is also individually listed in the National Register of Historic Places.

SUMMARY OF APPLICANT'S PROPOSAL:

The Applicant proposes (see pages C8 and C18) to install a 13.5x7' television in the alley between Butler Square and Butler north along 1st Avenue North. Supplementary work consists of:

- constructing a freestanding booth to shelter the equipment and screen existing mechanical equipment at the rear of the alley;
- relocating a non-historic, non-ADA compliant access ramp in the alley;
- painting existing, non-historic wood railings and decking in the alley black to match the proposed stairs and projection booth; and
- painting a historic door on Butler North.

The changes will take place in an alley where extensive work has already occurred, as depicted in Applicant photos (see pages C36-C37). Staff has no record of Heritage Preservation Commission review or approval of the majority of alley changes, which include mechanical equipment (some of which is bolted directly into historic masonry); a roofed bar attached directly to Butler Square's historic masonry that also cuts across Butler Square's character defining window openings; security cameras; a fence that blocks the alley, stairways bolted directly into historic masonry; numerous signs; and a gate that closes off the alley (see

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pages C23, C27, and C29-C38). One notable exception is a skyway at the back of the alley that was reviewed and approved by the Heritage Preservation Commission (see page C36).

PUBLIC COMMENT:

Staff has received one comment letter from the Downtown Minneapolis Neighborhood Association in support of the project (see attachment D).

CERTIFICATE OF APPROPRIATENESS:

Findings as required by the Minneapolis Preservation Code:

The Planning Division of the Minneapolis Community Planning and Economic Development Department has analyzed the application based on the findings required by the Minneapolis Preservation Ordinance. Before approving a certificate of appropriateness, and based upon the evidence presented in each application submitted, the commission shall make findings based upon, but not limited to, the following:

(1) The alteration is compatible with and continues to support the criteria of significance and period of significance for which the landmark or historic district was designated.

The exterior portions of the building at 518 1st Street North contribute to the district's significance due to the property's embodiment of Gothic Revival architecture, warehousing, and the work of master architects characteristic of the district. Regardless of what changes are made to the subject property, it will maintain its historical significance, but proposed changes may affect its integrity (i.e. the property's ability to communicate its historical significance).

(2) The alteration is compatible with and supports the interior and/or exterior designation in which the property was designated.

The proposed alterations are compatible with and support the property's exterior designation. The exterior portions of the building at 518 1st Street North contribute to the district's significance. The Applicant is proposing to install a 13x7.5' television; install an accessory structure; screen mechanical equipment; paint non-historic wood railings and decking; make a ramp accessible, and paint a historic door (see pages C8 and C18). The changes will take place in an alley that does not contribute to the significance of the Warehouse Historic District, as noted in the district designation study.

(3) The alteration is compatible with and will ensure continued integrity of the landmark or historic district for which the district was designated.

Based upon the evidence provided below, the proposed work will impair, but not destroy, the integrity of the contributing resource.

Location: The Applicant proposes no changes to the contributing resource's location, thus the project will not impair the contributing resource's integrity of location.

Design: As proposed, the project will minimally alter the existing design of the building: a design already heavily altered in the alley. The Applicant proposes to install a 13x7.5' television; install an accessory structure; screen mechanical equipment; paint non-historic wood railings and decking; make a ramp accessible, and paint a historic door (see pages C8 and C18). The changes will take place in an alley where extensive work has already occurred, as depicted in Applicant photos (see pages C36-C37). Staff has no record of Heritage

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Preservation Commission review or approval of the majority of alley changes, which include mechanical equipment (some of which is bolted directly into historic masonry); a roofed bar attached directly to Butler Square's historic masonry that also cuts across Butler Square's character defining window openings; security cameras; a fence that blocks the alley, stairways bolted directly into historic masonry; numerous signs; and a gate that closes off the alley (see pages C23, C27, and C29-C38). One notable exception is a skyway at the back of the alley that was reviewed and approved by the Heritage Preservation Commission (see page C36). The proposed changes will improve upon the existing alley work by a) painting some wood features black to match the black stairways bolted to the historic masonry; b) screening existing mechanical equipment; and c) improving accessibility in the alley for patrons who are permitted into this gated area (see pages C8 and C18). Unlike many past changes that attach directly to the historic masonry, these changes will be reversible, as the proposed structures are freestanding and affect no historic building materials beyond one historic, wood, currently painted door at Butler North that is in need of paint (as proposed, see pages C8 and C38). As the application includes a permission letter from the owner of Butler Square (see page C7) only, and the historic door painting will occur on Butler North, staff recommends the project be conditioned to ensure the owner of Butler North provides a letter consenting to the painting of the door as proposed.

Setting: As the Applicant is proposing no changes to properties around the contributing resource, the project will not affect the property's integrity of setting.

Materials: The proposal will affect no historic building materials beyond one historic door at Butler North that is in need of paint (as proposed, see pages C8 and C38).

Workmanship: The Applicant proposes no further obscuration of the workmanship evident in the historic window openings of Butler Square.

Feeling: The Applicant is proposing to install a gigantic television on the exterior of a building whose period of significance ends in 1930, before the advent of television. While the television will be pointed directly at the public right of way and will be able to transmit images, messages, light, and sound across property lines, it will be located down an alley whose high walls will screen views of the television from all but a narrow field of vision in the public right of way. Large billboards and traffic signs immediately adjacent to the subject property on both 1st Avenue and adjacent streets (as depicted in Applicant photos on pages C19-C22) possess similar abilities and are not screened by an alley, though they also lie outside of the historic district.

Association: The building is significant for its Gothic Revival architecture, warehousing, and association with historically significant architects. While the proposed changes (see pages C8 and C18) will not evoke those attributes, the changes will occur in a noncontributing alley that has already been heavily modified.

(4) *The alteration will not materially impair the significance and integrity of the landmark, historic district or nominated property under interim protection as evidenced by the consistency of alterations with the applicable design guidelines adopted by the commission.*

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The subject property lies within the twentieth century warehouse portion of the Minneapolis Warehouse Historic District.

The application does not follow *Minneapolis Warehouse Historic District Design Guidelines* (adopted in 2010) related to accessory structures:

2.76. Accessory structures including but not limited to storage buildings and dumpster enclosures shall not be visible from the public right of way and shall not obscure the building's features.

2.77. Accessory structures shall be compatible to the primary building or structure. Such compatibility shall be determined by architectural style, colors, materials and finishes.

The proposed alterations (see pages C8 and C18) shall be visible from the public right of way along 1st Avenue North, though they will also be screened from all but a narrow cone of vision by high alley walls (see pages C9, C18, C27, C36 - C37). While the proposed black paint complements the masonry walls of the two historic buildings abutting the alley (Butler Square and Butler North), the giant television does not. The television will be able to transmit images, messages, light of the full color spectrum, and sound across property lines, but those property lines will be outside of the historic district. Additionally, the proposal loosely follows *Minneapolis Warehouse Historic District Design Guidelines* Guiding Principle #2. The proposed alley television installation and related improvements could be considered a livability improvement necessary to support a growing urban neighborhood, but it should be noted that:

- o The alley has already been converted to a gated open air patio (see pages C36 and C37); and
- o The tenant who controls the alley space, Smalley's 87 Club, already possesses over thirty large televisions already, one of which is already installed in the alley beneath the bar roof (see page C35).

(5) *The alteration will not materially impair the significance and integrity of the landmark, historic district or nominated property under interim protection as evidenced by the consistency of alterations with the recommendations contained in The Secretary of the Interior's Standards for the Treatment of Historic Properties.*

The Applicant is conducting a rehabilitation of the subject property.

The rehabilitation guidelines of *The Secretary of the Interior's Standards for the Treatment of Historic Properties* recommend identifying, retaining, and preserving masonry features that are important in defining the overall historic character of the building such as walls, brackets, railings, cornices, window architraves, door pediments, steps, and columns; and details such as tooling and bonding patterns, coatings, and color. The plans (see page C18) indicate no new penetrations of historic masonry walls.

The rehabilitation guidelines of *The Secretary of the Interior's Standards for the Treatment of Historic Properties* do not recommend changing the number, location, size or glazing pattern of

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windows, through cutting new openings, blocking-in windows, and installing replacement sash that do not fit the historic window opening. The plans (see page C18) indicate no new blockages of historic window openings.

The rehabilitation guidelines of *The Secretary of the Interior's Standards for the Treatment of Historic Properties* do not recommend introducing new construction onto the building site which is visually incompatible in terms of size, scale, design, materials, color, and texture; which destroys historic relationships on the site; or which damages or destroys important landscape features. The Applicant proposes to install a 13x7.5' television; install an accessory structure designed to shelter the television; and screen mechanical equipment with wood walls (see pages C8 and C18). While the proposed black paint does complement the masonry walls of the two historic buildings abutting the alley (Butler Square and Butler North), the giant television does not. The television will be able to transmit images, messages, light of the full color spectrum, and sound across property lines, but those property lines will be outside of the historic district and will also be screened from all but a narrow cone of vision by high alley walls. Additionally, one large television has already been installed in the alley beneath the bar roof (see page C35), though this television faces toward the wall of Butler North, and does not directly project images out of the alley, as the proposed, larger television will do.

(6) The certificate of appropriateness conforms to all applicable regulations of this preservation ordinance and is consistent with the applicable policies of the comprehensive plan and applicable preservation policies in small area plans adopted by the city council.

Action 8.1.1 of the Minneapolis Plan for Sustainable Growth indicates that the City shall protect historic resources from modifications that are not sensitive to their historic significance. The project will not modify the building in a way that is insensitive to its historical character, as discussed in items 4 and 5 above.

Comprehensive plan policy 8.1 states that the City will, "Preserve, maintain, and designate districts, landmarks, and historic resources which serve as reminders of the city's architecture, history, and culture." The proposed work will help to preserve the subject property by permitting reversible alterations in an alley that does not contribute to the significance of the historic district.

(7) Destruction of any property. Before approving a certificate of appropriateness that involves the destruction, in whole or in part, of any landmark, property in an historic district or nominated property under interim protection, the commission shall make findings that the destruction is necessary to correct an unsafe or dangerous condition on the property, or that there are no reasonable alternatives to the destruction. In determining whether reasonable alternatives exist, the commission shall consider, but not be limited to, the significance of the property, the integrity of the property and the economic value or usefulness of the existing structure, including its current use, costs of renovation and feasible alternative uses. The commission may delay a final decision for a reasonable period of time to allow parties interested in preserving the property a reasonable opportunity to act to protect it.

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The project does not include the destruction of the subject property.

Before approving a certificate of appropriateness, and based upon the evidence presented in each application submitted, the commission shall make findings that alterations are proposed in a manner that demonstrates that the Applicant has made adequate consideration of the following documents and regulations:

(8) *Adequate consideration of the description and statement of significance in the original nomination upon which designation of the landmark or historic district was based.*

The Applicant has made adequate consideration of the description and statement of significance in the original nomination upon which designation of the landmark or historic district was based. The exterior portions of the building at 518 1st Street North contribute to the district's significance. The Applicant is proposing to improve an alley to make it more liveable and accessible to patrons permitted within the gated area. Additionally, the Applicant proposes to screen existing mechanical equipment (see page C30) and paint existing fences and other non-historic features to match non-historic black metal stairways mounted to building walls (see page C35).

(9) *Where applicable, Adequate consideration of Title 20 of the Minneapolis Code of Ordinances, Zoning Code, Chapter 530, Site Plan Review.*

Title 20 of the Minneapolis Code of Ordinances, Zoning Code, Chapter 530, Site Plan Review does not require site plan review for this proposal, which includes no additions.

(10) *The typology of treatments delineated in the Secretary of the Interior's Standards for the Treatment of Historic Properties and the associated guidelines for preserving, rehabilitating, reconstructing, and restoring historic buildings.*

As discussed in finding #5, the application is in compliance with the rehabilitation guidelines of the Secretary of the Interior's Standards for the Treatment of Historic Properties.

Before approving a certificate of appropriateness that involves alterations to a property within an historic district, the commission shall make findings based upon, but not limited to, the following:

(11) *The alteration is compatible with and will ensure continued significance and integrity of all contributing properties in the historic district based on the period of significance for which the district was designated.*

The proposed alterations (see pages C8 and C18) are compatible with and will ensure continued significance and integrity of all contributing properties in the historic district. The proposed alterations will occur at the rear of an alley that does not contribute to the significance of the historic district where extensive changes have already occurred.

(12) Granting the certificate of appropriateness will be in keeping with the spirit and intent of the ordinance and will not negatively alter the essential character of the historic district.

The spirit and intent of the City of Minneapolis' Heritage Preservation Regulations is to preserve historically significant buildings, structures, sites, objects, districts, and cultural landscapes of the community while permitting appropriate changes to be made to these properties. The proposed alley television installation and related improvements (see pages C8 and C18) are livability improvements that may support a growing urban neighborhood. The changes are located in an alley that does not contribute to the significance of the historic district. Numerous changes have already occurred in the alley. No further penetrations of historic masonry or blockages of window openings will occur. While the proposed television is 94.5 square feet in area, it is comparable in size to non-historic, illuminated signs located immediately adjacent to the property though outside of the historic district (see pages C19-C23).

(13) The certificate of appropriateness will not be injurious to the significance and integrity of other resources in the historic district and will not impede the normal and orderly preservation of surrounding resources as allowed by regulations in the preservation ordinance.

Approval of this Certificate of Appropriateness may set a precedent that encourages the presence of other large, illuminated, audible, anachronistic features into historic districts. Indeed, one component of the Applicant's argument in favor of permitting the proposed television is the presence of other large illuminated signage in the vicinity of the historic district (see pages C9 and C19-C23). Key consideration should be given to the location and screening of such elements in future applications. Fortunately, the proposed changes are fully reversible, as they do not affect historic building materials beyond the painting of one wood door in need of paint.

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STAFF RECOMMENDATION

CPED-Planning recommends that the Heritage Preservation Commission **adopt** staff findings and **approve** the Certificate of Appropriateness subject to the following conditions:

1. The owner of Butler North shall provide a letter consenting to the painting of the door as proposed.
2. All workmanship must be conducted in accordance with *The Secretary of the Interior's Standards for the Treatment of Historic Properties*.
3. Final plans, elevations, details, material selections, and finish samples must be submitted to CPED-Planning Staff for final review and approval prior to any permits being issued.
4. By ordinance, approvals are valid for a period of one year from the date of the decisions. Upon written request and for good cause, the planning director may grant up to a one year extension if the request is made in writing no later than October 12, 2011.
5. By ordinance, all approvals granted in this Certificate of Appropriateness shall remain in effect as long as all of the conditions and guarantees of such approvals are observed. Failure to comply with such conditions and guarantees shall constitute a violation of this Certificate of Appropriateness and may result in termination of the approval.