



## Legislation Details (With Text)

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**Title:** Memorializing the City Council's July 20, 2011 decision granting the appeal by David Brooks of a determination of the Historic Preservation Commission regarding the installation of glass-block on the corners of floors 2-4 on the building at 255 East 6th Street.

**Sponsors:** Dave Thune

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
8/23/2011	1	Mayor's Office	Signed	
8/17/2011	1	City Council	Adopted As Amended	Pass
8/12/2011	1	Mayor's Office	Signed	
8/10/2011	1	City Council	Adopted	Pass

Memorializing the City Council's July 20, 2011 decision granting the appeal by David Brooks of a determination of the Historic Preservation Commission regarding the installation of glass-block on the corners of floors 2-4 on the building at 255 East 6th Street.

WHEREAS, on or about May 24, 2011, Gleeson Architects, 1175 East Highway 36, Maplewood, Minnesota, 55109, on behalf of the owner of that building commonly known as 255 East Sixth Street, described as a "non-contributing" building in the City's Lowertown Historic District, made application to the Heritage Preservation Commission (hereinafter "HPC") in HPC File No. 11-017, for a Certificate of Approval (hereinafter "COA") to permit the installation of "full height glass blocks in order to form a wall at the building corner on floors 2-4 behind an abandoned fire escape;" and

WHEREAS, on June 9, 2011, the HPC, having provided notice to affected property owners, duly conducted a public hearing on the said COA application where all interested parties were given an opportunity to be heard; and

WHEREAS, at the close of the public hearing, the HPC, based upon the testimony and records, including an HPC staff report dated May 31, 2011, which recommended either denial of the COA or, in the alternative, recommended approving the COA subject to a certain conditions, duly moved to deny the COA application based upon the following Findings of Fact as set forth in the May 31, 2011 HPC staff report, which are incorporated herein by reference and which were provided to Gleeson Architects in a Letter of Denial dated June 10, 2011, as follows:

1. The building is classified as non-contributing to the Lowertown Historic District. When reviewing changes to a non-contributing building, and generally applying new construction guidelines, the HPC should consider if the changes will improve the buildings compatibility with neighboring historic buildings or further compromise the overall character of the historic district.

2. In general the building does comply with the guidelines for massing and has a boxy appearance as the historic warehouses do. The building's design does not comply with the guidelines for scale, proportion, windows, materials and detailing. The guidelines state, "The structures of the district are distinguished by their boxy profiles; preservation of this aspect is the most essential element for maintaining district unity." The removal of the fins at the corner on floors 2-4 diminishes the boxy profile of the building and does not comply with the guideline.

3. The corner of Six and Wall is a prominent visual "gateway" into the Lowertown Historic District from Sixth Street, especially given the greater setback of the historic Allen Building. Given the loss of the outer fins at the corner, the newly painted red stair and proposed glass block will become a greater visual feature. Glass block is not a material commonly used in the Lowertown Historic District as walls. There are small amounts present on the Cosmopolitan Building and a couple other buildings in Lowertown, but the material is not considered a common or distinguishing material for the district.

4. The glass block walls do not comply with the guidelines which state: "The materials of new construction should relate to the materials and details of existing adjacent buildings. New buildings in the district should provide more detailing than typical modern commercial buildings, to respond to the surrounding buildings and to reinforce the human scale of the district. Walls of buildings in the district are generally of brick, or occasionally of stone. When walls are painted, similar subdued colors are usually used."

5. The previous decision of the HPC on October 25<sup>th</sup> (2010) did not clearly deny or approve the installation of the glass block wall, the removal of the fins at the corner or the installation of the red banners. Instead, a condition was adopted that addressed the loss of the "boxy profile" of the corner and instructed the Design Review Committee and the applicant to finalize plans that would meet the condition. There was discussion at the October 25, 2010, meeting on possible solutions to "restore" the corner with the applicant's concept to install art work on the building. Once a solution was agreed upon by the Design Review Committee and the applicant, staff could forward the approval to DSI to allow for a permit to be issued.

6. The proposal to remove the corner fins and install glass block walls behind the abandoned fire stair will have a negative impact to the local and national registrar Lowertown Historic District.

WHEREAS, on or about June 15, 2011, the subject building owner, David Brooks, pursuant to Legislative Code §73.06(h), duly filed an appeal from the HPC's decision and requested a public hearing before the City Council for the purpose of considering the action taken by the HPC; and

WHEREAS, on July 20, 2011, a public hearing was duly conducted before the City Council where all interested parties were given an opportunity to be heard and, at the close of the public hearing, the Council, having heard the statements made and having considered the application, all the testimony, the report of staff, the hearing records and minutes, and the letter of denial from the HPC; does hereby

RESOLVE, that the HPC's decision to deny the COA is hereby overturned. Although the Council finds no error with respect to HPC Finding No. 3, the Council finds that the Appellant has demonstrated at least partial error with respect to HPC Findings No. 4 and 5 and that the Appellant has demonstrated error with HPC Finding's No's 1, 2, and 6, based upon the following findings:

The Council finds that the profile of this "non-contributing" building, despite the changes made to the building's exterior by the owner, continues to be "boxy." ~~The Council further notes that the building's owner is not proposing to construct a new building.~~ Accordingly, with respect to Finding No. 1, the Council finds that the proposal to install glass-block walls at the corners of floors 2-4 of the building, given this building's "non-contributing" categorization, will not significantly alter the overall distinguishing character or stylistic features of the District as a whole because the proposed glass-block constitutes a minimal

alteration to the overall exterior features of this noncontributing building. Instead of harming the overall character of the District, the glass-block will aid in re-using a building that has been vacant and deteriorating. ~~Since the building itself is not new, applying "new construction" guidelines strictly was an error.~~ Finding No. 2 is in error. Although removal of the "fins" on one corner of the building "diminished" the building's "boxy" profile, overall, the building's "boxy" profile remains intact in keeping with the "most essential element for maintaining district unity." Finding No. 4 is partially in error. While the proposed glass blocks may not fit the guideline's preference that "new construction materials relate to the materials and details of existing adjacent buildings," the Council notes that the existing materials and details on the building also do not relate to the materials and details on existing nearby historic buildings. Renovating and reusing what had been a vacant and deteriorating "non-contributing" building improves its compatibility with other buildings in the historic district by removing its otherwise blighted condition which, left unchecked, would compromise the character of the District. Finding 5 is partially in error. The condition seeking agreement on a possible solution to "restore" the "loss of the boxy profile of the corner" likely would have precipitated just the sort of appeal presently under consideration by the Council. The Council's actions here moves the matter forward. Finding No. 6 is error. The Council finds that the addition of the proposed glass blocks to this non-contributing building will not have a negative impact on the Lowertown Historic District. The proposed glass blocks will allow the reuse of a long vacant and deteriorated building which will add to the overall vitality of the District by bringing a vacant, blighting building back to active use.

AND, BE IT FURTHER RESOLVED, for the reasons set forth above, that the appeal of David Brooks be and is hereby granted; and be it

FINALLY RESOLVED, that the Council secretary shall immediately mail a copy of this Resolution to Appellant David Brooks, the Heritage Preservation Commission, the Zoning Administrator, and the Building Official.