



Legislation Text

File #: RES 13-409, **Version:** 1

Memorializing City Council action taken on November 14, 2012, granting the appeal of Gleeson Architects to conditions imposed by the Heritage Preservation Commission on a building permit to replace the public sidewalks around the building at 366 Jackson Street within the Lowertown Heritage Preservation District.

WHEREAS, on or about August 20, 2012, the applicant, Gleeson Architects, 1175 East Highway 36, Maplewood, Minnesota, 55109, on behalf of the owner of that property commonly known as 366 Jackson Street and historically known as the Merchant's National Bank Building (the "Building"), made application to the Heritage Preservation Commission (the "HPC"), in HPC File No. 12-044, for a permit to replace the existing public sidewalk and curb along the west and south side of the Building and replace them with new sidewalk and curbing; and

WHEREAS, because the Building is listed on the National Register of Historic Places and is a designated City Heritage Preservation Site located in the City's Lowertown Historic District, HPC approval of the applicant's proposal was required under Leg. Code § 73.06(e); and

WHEREAS, the applicant proposed to replace the existing sidewalk with a two-color concrete slab. Slab color no. 1 was described as "matching" the red sandstone of the Building. Slab color no. 2 was described as a "standard concrete color." The proposal also stated that the sidewalk slabs would display a "scored box pattern" having a "broom finish." The applicant also proposed to construct an "integral curb," tree grates, "historic replica light fixtures" and install a "new accessible ramp at the corner." Finally, the applicant's plan described installing five "bronze inlays" in front of the Building's Jackson Street entrance. Further detail regarding the "inlays" was not provided; and

WHEREAS, on September 20, 2012, the HPC, having provided notice to affected property owners, duly conducted a public hearing on the said application where all interested parties were given an opportunity to be heard; and

WHEREAS, at the close of the said public hearing and based upon all the testimony and records, including a report prepared by HPC Staff dated September 18, 2012 in which Staff recommended approval of the application subject to six specific conditions, the HPC approved the application based upon the seven Findings of Fact contained in the Staff Report which are incorporated herein by reference, subject to certain conditions recommended in the Staff Report, all of which were provided as set forth below to the applicant an HPC Letter of Approval dated September 21, 2012:

- "1. Only one color in the standard gray concrete shall be installed. A slight tint that closely matches the concrete on the rest of the block may be acceptable and shall be used throughout the installation.
2. The scoring pattern shall be simplified with consultation from Public Works staff, the applicant and HPC staff. This may also include revision of the ratio of towed versus broom finish surfaces for ADA requirements.
3. Bronze inlay details, pattern and color at the main entrance shall be submitted to HPC staff for final review and approval.
4. If other details require revision in order to meet Public Works' standards, those changes shall be submitted

to HPC for review and approval.

5. Revised drawings reflecting the above changes shall be submitted to HPC and Public Works staff for final review and approval.

6. The HPC stamped approved drawings shall remain on site for the duration of the project.”

WHEREAS, on or about September 27, 2012 and pursuant to Leg Code §73.06(h), the applicant, duly filed an appeal challenging the said six conditions placed by the HPC on its decision to approve the applicant request and asked for a public hearing before the City Council for the purpose of considering the condition imposed by the HPC on its approval of the applicant; and

WHEREAS, on November 7, 2012 the City Council duly conducted a public hearing where all interested parties were given an opportunity to be heard and testimony and although testimony was taken and written notice of the date and time of the appeal hearing had been duly provided, it was then determined that the matter had inadvertently not been placed on the Council’s set calendar dates for holding public hearings. Accordingly, the Council moved to continue the public hearing to November 14, 2012 in order to provide anyone who had not received written notice of the appeal and public hearing with an opportunity to be heard on the matter; and

WHEREAS, on November 14, 2012 the public hearing from November 7, 2012 was reconvened and, upon ascertaining that no one wished to be heard on the merits of the matter, the public hearing was duly closed and the Council began its deliberations on the merits of the said appeal; and

WHEREAS, based upon the Council’s deliberations, having heard the statements made and having considered the application, the report of staff, and all the records in this matter does; hereby

RESOLVE, that the HPC’s decision to impose the six conditions specified in the HPC’s September 21, 2012 Letter of Approval, is hereby reversed for the following reasons: given the HPC’s approval of the applicant’s proposal to replace the existing, deteriorated public sidewalk and the Public Works Department’s approval of the overall sidewalk details proposed submitted by the appellant, the Council finds that the HPC’s placement of the six additional conditions on the application was, in the absence of clear guidelines for replacing public sidewalks in the Lowertown Historic District, not justified in this particular set of circumstances.

AND, BE IT FURTHER RESOLVED, for the reasons set forth above, that the appeal by Dan Gleeson from the six conditions imposed by the HPC in its September 21, 2012 Letter of Approval, is hereby granted; and be it

FURTHER RESOLVED, that the HPC’s approval of the plans remains in effect and that the applicant must make the improvements as specified in the plans approved by the HPC; and be it

FINALLY RESOLVED, that the Council secretary shall immediately mail a copy of this resolution to appellant, the Heritage Preservation Commission, the Zoning Administrator, the Building Official, and the Department of Public Works.