

City of Excelsior
Hennepin County, Minnesota

Minutes
Heritage Preservation Commission

Tuesday, April 22, 2014

1. CALL TO ORDER/ROLL CALL

Chair Schmidt called the meeting to order at 7:00 p.m.

Commissioners Present: Bipes, Bolles (joined at 7:58 p.m.), Brabec, Finch, Macpherson, Nelson, Schmidt

Commissioners Absent: None

Also Present: City Planner Smith, Planning Consultant Richards, Advisor Caron

2. AGENDA APPROVAL

3. APPROVAL OF MINUTES

a) Heritage Preservation Commission Meeting of March 18, 2014

Macpherson moved, Brabec seconded, to approve the minutes as written. Motion carried 6/0.

4. CITIZEN REPORTS or COMMENTS

Nelson commented on her attendance at a Tapping into History event at Jake O' Connor's, sponsored by the Excelsior Lake Minnetonka Historical Society.

5. NEW BUSINESS

a) Site Alteration Permit for Second Floor Addition to 212 Water Street – Martin's

Planner Smith introduced the application, and stated that the proposed project had been before the Commission at its last meeting for a concept/sketch plan review. The applicants, Larry and Jill Martin, are now seeking a Site Alteration Permit to add a second story to the building and a rooftop patio. The project would also remove the paint from the masonry on the Water Street elevation. The new addition is set back three feet from the parapet, and the front elevation of the addition would be faced in a darker brick than the original building, with fiber cement siding in the rear.

Smith presented a detailed staff report that summarized the ordinance standards, relevant Secretary of the Interior standards and NPS preservation brief guidelines for new additions to historic buildings. The staff analysis concluded that the proposed addition would change the spatial

5. NEW BUSINESS

- a) Site Alteration Permit for Second Floor Addition to 212 Water Street – Martin's - *Continued*

relationships in a manner that would significantly alter the character of the original 1898 Wheeler Building, a contributing historic structure in the Downtown Historic District. Among other things, the addition would create a false sense of historic development, is not compatible with the historic integrity of the building, the proposed overhang style was not used at the time of construction and would negatively alter the front elevation, the three foot setback is not pronounced enough to make the view of the addition from the public street inconspicuous, and the proposed eyebrow parapet is not simple or unobtrusive in design. The proposed brick materials and lap siding are complementary to the original materials, however. The proposed addition is 14 feet 4 inches in height, while the existing building height is 19 feet. Under historic preservation guidelines, rooftop additions are generally not appropriate for one story buildings because they tend to dominate the original structure, and any rooftop additions should be minimally visible from the public way, which is not the case here. The Jake O'Connor's building does screen the proposed addition from the north, however. Overall, the proposed addition diminishes the historic nature of the street and is not a sensitive addition to the Historic Wheeler Building. Staff also included a schematic drawing for a potential further setback of the addition which, with a reduction in height of the addition to 12 feet, could meet the NPS guidelines. The staff report recommended denial of the Site Alteration Permit based on the proposed findings in the report.

Tammy Magney, the project architect, stated that she recognizes that this proposal is difficult and sets precedent for the downtown. Her intent was to try and create a first class condominium. Under the Secretary of the Interior Standards, a contemporary element on the second level could be added, but she believes that in this downtown setting, rooftops are waiting for infill and call for a second story to be fully front to back and traditional in character. Setbacks add a new dimension to the downtown, and change the character of the town. She was trying to add some architectural detail to the top of the building to fit in with the whimsical nature of the downtown, and in particular provide an architectural element that wouldn't be patio awnings or umbrellas that could be visible from Water Street. The intention of the design is to distinguish the new addition from the original building. The project would also remove the paint from the storefront masonry and repair any deteriorated mortar as needed. The project did not seek to introduce a contemporary design and used a brick front to be compatible. The intent is to use the building's air rights to the extent permitted by law. Drainage is generally to the backs of the buildings in the downtown and the design accomplishes this. The project will also install fire sprinklers in the building.

5. NEW BUSINESS

- a) Site Alteration Permit for Second Floor Addition to 212 Water Street – Martin’s - *Continued*

Nelson stated that she was impressed by the diligence on both sides, both by the planning staff and the architect. She stated that cities are organic, and heritage is a point in time. Building owners are seeking to add value to their investments.

Macpherson stated that this proposal is difficult because adding a second story to a low building is difficult to achieve under historic preservation guidelines, but economics also seem to dictate that building owners will want to build up. Schmidt stated that we have to recognize the right of owners to build up. He believes that setting the second level back would change Water Street and destroy the character of the block.

Finch stated that the City has a historic district and a qualified professional staff with expertise in historic preservation. Review of this project requires the application of established standards for a historic district to the proposal. The ability of owners to make improvements to property is not absolute, but must be within the limits set by the City for historic properties, as well as applicable zoning requirements. Based on the staff analysis, this proposal does not align with the City’s standards. Schmidt stated that he was concerned with this as well, and asked whether disregarding the standards would jeopardize the City’s CLG status. Caron stated that having an effective program of preservation enforced by ordinance through the HPC is a CLG requirement.

Nelson stated that the Commission is charged with protecting the City’s historic properties, but the City will be faced with similar proposals in the future because property in Excelsior is “white hot.” A series of setbacks will present a jagged view of the downtown streetscape. At the previous meeting, Jon Monson stated that, in his view, any addition should blend with the original building and use the same brick. The Commission needs to think about the consequences of its actions on projects that will come afterwards. Schmidt stated that he reads the Standards to promote compatibility, and if there are a number of rooftop additions proposed and if all are set back, he believes that it will destroy the historic district.

Finch stated that a previous set of HPC Commissioners were challenged by some based on the perception that they were not following the established preservation standards and guidelines; it is hard to see how this Commission now has license to do just that. Macpherson stated that the precedent of this decision could result in all buildings becoming two story buildings in the downtown, and this would change the character of the downtown district. If the historic downtown changes dramatically, maybe it will not continue to be “white hot” property over time.

5. NEW BUSINESS

- a) Site Alteration Permit for Second Floor Addition to 212 Water Street – Martin's - *Continued*

The Commission discussed whether, if infill in the historic downtown will occur, which would be worse, a series of setbacks with balcony or no setbacks? Macpherson asked staff whether a historic property owner has the right to add an additional level if it is not permitted by the Standards. Caron and Smith stated that historic preservation standards are like other zoning restrictions that apply to particular properties, such as lot setbacks and height restrictions. Finch stated that the pressures of development are not new. Smith stated that he asked Minnesota State Historic Preservation Officer Mike Koop about this proposal, and Koop cautioned the Commission to follow the Standards. Smith also cited the U.S. Supreme Court decision in Penn Central, a landmark case that held that denial of a proposal to build additional stories over a historic building is not an unconstitutional taking.

Nelson asked about the staff recommendation, and the option to further set back the proposed second story from the street. Smith clarified that the addition could still be seen from Water Street, but it would appear less prominent, which would make it more compatible.

Macpherson asked about the definition of a bay for purposes of determining an acceptable setback under the guidelines for new additions. Smith clarified that the setback should generally be one full bay. The Commission discussed whether this building constitutes one or two bays. Smith stated that the demarcation of the building historically should be a reference point. Magney stated that this property has always been a separate building and was not part of the adjacent similar building. Finch stated that a demarcation standard for bays is needed.

Brabec stated that the Commission should encourage owners to improve these buildings. The Commission should seek to help these applicants, and if requiring a setback helps the Commission uphold its status and standards, then that would be important.

Larry Martin stated that he believes that this proposal will enhance the downtown, but does not believe that terracing the second level would be attractive and in keeping with the character of the downtown.

Smith clarified that, based on his reading of the NPS guidelines, a 23-foot roof area in front of the proposed second level should not have any building addition to meet the bay setback guidelines. Magney asked whether this requirement would be standard for all property owners in the future. Smith stated that staff has attempted to provide a compromise so that the proposal can be within the established Standards and minimize the impact on the downtown. Commissioners expressed concern with the prospect of

5. NEW BUSINESS

- a) Site Alteration Permit for Second Floor Addition to 212 Water Street – Martin's - *Continued*

visible patio furniture on roofs in the downtown. Richards stated that the City zoning ordinances do not prohibit roof decks with furniture in the downtown. The Commission discussed the possibility of the HPC regulating the railing area so that it is not visible and to prevent the streetfront area from being occupied by visible patio furniture. Finch stated that approximately a dozen downtown buildings are similarly situated to this one, so the precedent of a decision here should be carefully considered. Schmidt stated that he believes that having balconies above Water Street would be a terrible precedent, and if the standards require it, the City should risk losing its CLG status. Nelson said that history is organic and this is a significant moment in time to determine the future direction of the downtown. Smith stated that the Commission could require that there be no patio in front, or no elements visible from street, as a condition of any approval.

Finch moved, Macpherson seconded, to deny the application consistent with the staff's recommendation and proposed findings, with leave for the applicants to work with staff on a proposal that would meet the standards and guidelines. Motion carried 5/0/2 - Nelson and Schmidt abstained.

- b) Site Alteration Permit for Exterior Alterations to 356 Water Street – Dan Johnson

Smith presented the application by new owner Dan Johnson to make exterior alterations to the house. The house dates from 1890, and the proposal is to return it to its original appearance. The applicant proposes to remove the larger modern windows and return the window openings to their original size and dimensions and install double hung windows like the originals, except on the west side of the house facing the driveway. This area had three narrow double-hung windows originally which were replaced with larger windows, and the applicant proposes to install eight double-hung windows for a sun room and porch. The exterior will be painted a historic white tone and new horizontal siding will replace the existing siding, similar to the original appearance of the house based on photographs. The front door will be re-centered to its original location. The staff report concluded that the historic character of the property will be improved on the primary elevation with replacement of the original upper story window and re-centering of the door, and removal of shutters dating from the 1960s-80s which are not significant to the character of the Carpenter Gothic structure. The proposed changes have been substantiated with photographic evidence, and based on that information, the building is being restored to its original appearance with minimal change. The original window openings will be restored, except those on west side, which are not on a primary elevation

5. NEW BUSINESS

- b) Site Alteration Permit for Exterior Alterations to 356 Water Street –
Dan Johnson - *Continued*

and minimally visible from the public way. Staff recommended approval with the conditions noted.

Dan Johnson clarified that the proposed new horizontal siding would be for the main house only. Any proposed alterations to the carriage house on the property will be a separate application. He also made one correction to the staff report, that the windows on the Knapp Radio and TV Building side of the house will not be restored to their original openings, as he proposes to close off one window on that side.

Finch moved, Bolles seconded, to approve the Site Alteration Permit as proposed with the conditions noted in the staff report, including the covering of one window opening on the east side of the house. Motion carried 7/0.

6. UNFINISHED BUSINESS

- a) Goals and Objectives

Smith stated that he is looking for a limited number of HPC objectives that City staff should pursue during the balance of the year. He stated that reviewing conformity of projects with required conditions should be the ongoing work of staff rather than a specific goal. He suggested that the Commission should consider which of goals 2-14 he should focus on. Richards stated that he is currently working on the PUD ordinance changes for review with the Commission.

It was moved by Finch, seconded by Macpherson, to continue discussion of this item to the next meeting, with Commissioners in the interim to indicate by an email to Smith which goals should be given priority for 2014. Motion carried 6/1 - Bolles opposed, as he would like to discuss goals further at this time.

7. COMMUNICATIONS AND REPORTS

- a) Exploring Grant Funds for Oak Hill Cemetery

No discussion.

- b) Designation of Excelsior Elementary School

No discussion.

7. COMMUNICATIONS AND REPORTS

c) Scenic Byway

Finch reported that he is planning to attend a May 12 Scenic Byways meeting. The Commission asked that Smith circulate the slideshows for the 6-7 options for a Scenic Byway concept, and indicated that they would seek Council approval to send a representative to future meetings.

d) Designate Liaison to Planning Commission Meeting – May 6

None.

e) Site Alteration Permits Administratively Approved

None.

f) Next Meeting – Tuesday, May 20, 2014

8. MISCELLANEOUS/COMMISSIONER'S COMMENTS

a) Recent City Council Actions

Smith stated that the Council has not taken action on any matters of relevance to the HPC at recent meetings. The hotel project is still being pursued by the developer, with indications that final plans will be brought to the City within the next few months.

9. ADJOURNMENT

Commissioner Macpherson moved, Finch seconded, to adjourn the meeting at 9:15p.m. Motion carried 7/0.

Respectfully submitted,

Tim Caron
Recording Secretary