



## Request for City Council Committee Action from the Department of Community Planning & Economic Development – Planning Division

**Date:** December 4, 2008

**To:** Council Member Gary Schiff, Chair, Zoning and Planning Committee  
Members of the Committee

**Referral to:** Zoning and Planning Committee

**Subject:** Historic variance to allow for more than residential structures on one zoning lot

**Recommendation:** To adopt the staff findings and Heritage Preservation Commission Actions of October 28, 2008, and approve the Historic Variances to allow more than one residential structure on one zoning lot for the property located at 1022 University Avenue Southeast (Florence Court) in the R5 Multiple Residence District.

**Previous Directives:** N/A

**Prepared or Submitted by:** Molly McCartney, Sr. City Planner, 612-673-5811

**Approved by:** Jack Byers, Planning Supervisor, 612-673-2634

**Presenters in Committee:** Molly McCartney, Sr. City Planner

### Financial Impact (Check those that apply)

- No financial impact (If checked, go directly to Background/Supporting Information).
- Action requires an appropriation increase to the \_\_\_\_\_ Capital Budget or \_\_\_\_\_ Operating Budget.
- Action provides increased revenue for appropriation increase.
- Action requires use of contingency or reserves.
- Business Plan: \_\_\_\_\_ Action is within the plan. \_\_\_\_\_ Action requires a change to plan.
- Other financial impact (Explain):
- Request provided to department's finance contact when provided to the Committee Coordinator.

### Community Impact (use any categories that apply)

**Ward:** 3

**Neighborhood Notification:** Marcy Holmes Neighborhood Association

**City Goals:** Consistent with "Preserve and enhance our natural and historic environment and promote a clean, sustainable Minneapolis."

**Comprehensive Plan:** Consistent

**Zoning Code:** Section 525.530 and Section 599.490 authorizes the historic variance “To encourage the preservation and reuse of landmarks and properties in historic districts by providing the commission with authority to recommend departure from the literal requirements of any of the applicable zoning regulations.

**Other:** Not applicable.

**Background/Supporting Information Attached:** The attached report summarizes the actions taken by the Heritage Preservation Commission at a public hearing on October 28, 2008. The findings and recommendations are respectfully submitted for your consideration.



# Minneapolis Heritage Preservation Commission

## Actions

### Regular Meeting

4:30 p.m., Tuesday, October 28, 2008  
Room 317, City Hall  
350 South Fifth Street  
Minneapolis, MN 55415-1385

**Board Membership:** Mr. Chad Larsen, Mr. John Crippen, Ms. Denita Lemmon, Ms. Kathleen Anderson, Ms. Meghan Elliott, Ms. Christina Harrison, Mr. Kevin Kelley, Ms. Ginny Lackovic, Ms. Linda Mack, and Ms. Deborah Morse-Kahn.

**Committee Clerk:** Diana Armstrong, 612.673.2615  
Commissioners Anderson, Harrison, Lackovic, and Mack were absent and excused from tonight's meeting.

The meeting was called to order at 4:34 p.m.

Minutes were approved for the meeting held on October 14, 2008

### Consent items:

**1. 428 1<sup>st</sup> Street – St. Anthony Falls Historic District, Ward 7**

Staff: Molly McCartney, 612.673.5811

Certificate of Appropriateness for trash enclosure

Staff Report: [428 First Ave](#)

**ACTIONS:** **Adopt** staff findings and **approve** a Certificate of Appropriateness for a trash enclosure, subject to the following condition:

1. Final drawings including plans, elevations and details shall be reviewed and approved by CPED-Planning staff.

### Public Hearing

#### For Presentation:

**2. 2863 East Lake of the Isles Parkway – Historic Resource, Ward 10**

Staff: Brian Schaffer, 612.673.2670

Extension of Interim Protection to allow for the completion of a designation study

Staff Report: [2863 East Lake of the Isles](#)

**ACTIONS:** **Approved** an **extension** of the interim protection on the property at 2863 East Lake of the Isles Parkway for no more than six (6) months to allow for the completion of a designation study, with the following Findings:

1. The Lowry Hill History Committee submitted information on the history of the property at 2863 East Lake of the Isles Parkway dated September 25, 2007. This information was the basis for the City Council action to grant the appellant's appeal, deny the wrecking permit, and commence a designation study.
2. The document "Determination of Eligibility of Heritage Preservation Designation" prepared by Landscape Research LLC was submitted on September 17, 2008, and is under review.
3. The materials submitted by these two groups have competing information regarding how the structure meets the criteria for local designation.

4. Staff's intention is to have this item heard at the December 2, 2008, Heritage Preservation Commission meeting and not use the entire six months proposed for the extension of the interim protection.

### 3. 1022 University Avenue SE (Florence Court) – Individual Landmark, Ward 3

Staff: Molly McCartney, 612.673.5811

Certificate of Appropriateness for new construction of an apartment building

Staff Report: [1022 University Ave COA](#)

**ACTIONS:** **Adopt** staff findings and **approve** a Certificate of Appropriateness for the project based on the drawings provided in the submittal package to the Commissioners dated 10/08/2008, subject to the following conditions:

1. The color of the cement board siding shall be a color darker than the proposed bone white.
2. The single lane drive through the interior courtyard to 11<sup>th</sup> Street shall be for emergency vehicles only, and a pavement surface will be selected that is based on the period of significance and appropriate for emergency vehicles.
3. Additional general access to the courtyard shall be improved with another general entrance to the courtyard space on the interior elevation.
4. Final drawings including plans, elevations, landscaping plan, and details and material selections shall be reviewed and approved by CPED-Planning staff.

### 4. 1022 University Avenue SE (Florence Court) – Individual Landmark, Ward 3

Staff: Molly McCartney, 612.673.5811

Historic Variance to allow for two principal residential structures on one zoning lot

Staff Report: [1022 University Ave Historic Variance](#)

**ACTIONS:** **Adopt** staff findings and **approve** a Historic Variance to allow for more than one residential structure on one zoning lot at 1022 University Avenue Southeast, subject to the following condition:

1. Final drawings including plans, elevations and details shall be reviewed and approved by CPED-Planning staff.

## Information Items

### 5. Update on Demolition Permits

Staff: Brian Schaffer, 612.673.2670

Staff Report: [September Demos](#)

## New Business

### Adjournment

Meeting was adjourned at 7:50 p.m.

## The Next Regular Heritage Preservation Commission Meeting: November 18, 2008 Heritage Preservation Commission decisions are final unless appealed.

**Attention:** The meeting site is wheelchair accessible: if you need other disability related accommodations, such as a sign language interpreter or materials in alternative format, please contact 612.673.3220 (673.2157) TTDY/VOICE at least five days prior to the meeting.

**Attention:** If you want help translating this information, call: **Hmong** – Ceeb toom. Yog koj xav tau kev pab txhais cov xov no rau koy dawb, hu 612.673.2800; **Spanish** – Atención. Si desea recibir asistencia gratuita para traducir esta información, llama 612.673.2700; **Somali** – Ogow. Haddii aad dooneyso in lagaa kaalmeeyo tarjamadda macluumaadkani oo lacag la' aan wac 612.673.3500.

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

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FILE NAME: 1022 University Avenue, Florence Court Apartments  
DATE OF ORIGINAL APPLICATION: June 18, 2008  
APPLICANTS: Clark Gassen, CAG Development  
PUBLICATION DATE: October 22, 2008  
DATE OF HEARING: October 28, 2008  
END OF APPEAL PERIOD: November 7, 2008  
HPC SITE/DISTRICT: Florence Court Apartments, Individual Landmark  
CATEGORY: Contributing  
CLASSIFICATION: Historic variance to allow for more than residential structures on one zoning lot  
STAFF INVESTIGATION AND REPORT: Molly McCartney, (612) 673-5811

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**SITE DESCRIPTION & BACKGROUND:**

1022 University Avenue Southeast is a multi-building site that contains six residential structures, including one large apartment building, Florence Court. Florence Court is a local historic landmark that was designated in 1983. The following report details the history of the local designation, the proposed new construction on the site, and an analysis of the requested historic variance to allow for more than one residential structure on one zoning lot.

This item has been continued from the August 12, 2008 HPC meeting. Since the original applications for new construction, an addition parcel has been obtained by the developer to be included in the redevelopment, the service station on the northwest corner of the subject block that addresses as 1000 University Avenue Southeast. There is also a parcel containing a contract parking lot for the University of Minnesota located on the east end of the subject block that is not part of the redevelopment.

***History of the local designation***

The Florence Court parcel is unique in that a historically designated structure is located on the same tax parcel as other structures that do not have the same protection. When Florence Court was locally designated in 1983, the nomination from staff recommended that all the structures on the site be designated. At that time, the City Planning Commission (CPC) reviewed designations and their recommended was that the Heritage Preservation Commission (HPC) adopt only the L-shaped apartment building, known as Florence Court, be designated. That recommendation was adopted by the City Council (per 599.260<sup>1</sup>). *See attached Council resolution.*

The designation of Florence Court noted that the property was an example of one of the oldest apartment buildings in Minneapolis and that the inward focus of the development on a courtyard was a unique design, associated with community planning principals of the time.

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<sup>1</sup> In 1983, the corresponding ordinance section was Chapter 34.40

Since the time of designation, CPED-Planning staff has treated the non-contributing structures much like non-contributing structures in a historic district. Some building records have been retained in the landmark files; however, alterations to these buildings have not come under review of the HPC. The HPC is reviewing the proposed changes to the site that address the non-contributing structures or the redevelopment of this area because the entire property is protected by the local designation. The non-contributing buildings do have significance to the designated building, and the site has unique landscape features which are a major reason for designation and changes to the site have the potential for negative impacts on the historic resource.

### ***Recent Heritage Preservation Commission Actions***

The current applications, COA for new construction and historic variance, have corresponding COA applications that were heard by the HPC in August 2008. A COA for Rehabilitation of the designated Florence Court apartment building was approved with conditions and a COA for the demolition of the five non-contributing structure was partially approved for one of the five structures. The building know as 1018 University Avenue Southeast, or No. 1018, was approved for demolition based on the need to correct an unsafe and dangerous building conditions. As part of the conditions to approve the demo of No. 1018, the remains four structures (No. 19, No. 20, No. 25. and No. 27) were denied demolition. At that meeting, the HPC continued the items for a COA for new construction and historic variance. Since then, the development team has meet with CPED-Planning staff and returned to the HPC in September for an informational item to discuss changes to the project.

### **PROPOSED CHANGES & ANALYSIS:**

The current redevelopment proposed includes the removal of the building known as No. 1018, the retention of the remaining freestanding homes, rehabilitation of the Florence Court apartment building, proposed new construction, and updates to the interior courtyard. The current zoning classification of the site is R5 Multi-family Residential. The zoning code prohibits two principal residential structures from being located on one zoning lot:

***535.190. Limit of one (1) principal residential structure per zoning lot.*** Except in the case of cluster developments and planned unit developments, not more than one (1) principal residential structure shall be located on a zoning lot, nor shall a principal residential structure be located on the same zoning lot with any other principal structure.

In this situation, the proposed new construction would be on the same lot as the existing, historically designated Florence Court apartment building and the four other freestanding homes. The lot size is not large enough for the proposed project to proceed as cluster development or planned unit development, which are land use applications that allow for more than one residential structure on a zoning lot.

Section 525.530 of the Minneapolis Zoning Code and section 599.490 of the Minneapolis Heritage Preservation Regulations authorize the historic variance “to encourage the preservation and reuse of landmarks and properties in historic districts by providing the commission with authority to recommend departure from the literal requirements of any of the applicable zoning regulations.”

1. Proposed variances for allowing two principal residential structures on one lot:
  - a) The applicant, Clark Gassen of CAG Development, has applied for a historic variance to allow for the construction of a new multi-family structure at 1022 University Avenue Southeast. The applicant has also proposed to retain four other principal residential structures and rehabilitate the existing Florence Court apartments.

Section 599.520 of the Minneapolis Heritage Preservation ordinance requires that before recommending approval of a historic variance, the commission shall make the following findings:

- The variance is compatible with the preservation of the property and with other properties in the area, and
- The variance is necessary to alleviate undue hardship due to special conditions or circumstances unique to the property and not created by the applicant.

The variance to allow for more than one structure on this lot is compatible with the preservation of this property, because it preserves Florence Court apartment building intact, as opposed to a building addition to this historic resource. Additions to historic building can compromise structural integrity, as well as diminish the authenticity of the historic resource.

The variance allows for the continuance of multiple structures on this lot, which has been use of the property since the 1920s. Because the site currently has more than one principal residential structure, it is a legal non-conforming use and has been since the 1920s when the freestanding homes were moved to the site. The Florence Court apartment building is much smaller compared to the whole lot (approximately 73,000 sq. ft.). The historic apartment building does not take up a very large portion of the lot and any new development on this site is constrained by the hardship of one historic building on the large amount of the property.

## **FINDINGS:**

1. The Florence Court Apartment building at 1022 University Avenue Southeast is a locally historic designated resource.
2. The proposed redevelopment includes the demolition of one residential structure, retention of four freestanding homes, rehabilitation of the Florence Court apartment building, a new six-story multi-family residential apartment building, and updates to the interior courtyard.
3. The current zoning classification of the site is R5 Multi-family Residential. The zoning code prohibits two principal residential structures from being located on one zoning lot.
4. Florence Court is located on a parcel that includes five non-contributing structures, including five residential structures. The site is currently a legal, nonconforming use, because there is more than one principal residential structure.
5. The variance to allow for two structures on this lot is compatible with the preservation of this property, because it intends to preserve the Florence Court apartment building intact, as opposed to a building addition to this historic resource. Additions to historic building can compromise structural integrity, as well as diminish the authenticity of the historic resource.

6. The variance allows for the continuance of multiple structures on this lot. Florence Court apartment building is much smaller than the entire lot and there has been additional properties located on this lot since the 1920s. This site is currently a legal non-conforming use, because the site currently does not comply with the regulation to limit principal residential structures. Florence Court does not take up a very large portion of the lot and any new development on this site is constrained by the hardship of limiting one building on the large amount of the property.

**STAFF RECOMMENDATION:**

Staff recommends that the HPC adopt staff findings and **approve** a Historic Variance to allow for two principal residential structures at 1022 University Avenue Southeast, subject to the following conditions:

1. Final drawings including plans, elevations and details shall be reviewed and approved by CPED-Planning staff.

Attachments for items # through #

- I. Applications for Certificates of Appropriateness for new construction and Historic Variance
- II. Actions from the August 12, 2008 Heritage Preservation Commission
- III. *Original designated See attached Council resolution.*
- IV. Land Use study of Florence Court and Adjacent Property, prepared by Hess, Roise, and Company
- V. Description of Rehabilitation Work of Florence Court
- VI. Site plan, elevation drawings and renderings of proposed redevelopment