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Landmarks Commission

Monday, April 7, 2014

Agenda Item #3, Legistar #32584

Third Lake Ridge Historic District Plan

I provided a comment letter for the March 17, 2014 Commission meeting with respect to 706 Williamson. I stated that proposed building must conform to the objectives and design criteria of the historic preservation plan, and I equated the historic preservation plan to the "Design Guidelines & Criteria for Preservation" ("BUILD") for the 600-1100 blocks of Williamson Street.

Although the proposed construction must conform to the historic preservation plan, that plan is not the BUILD. Alder Rummel quoted, in an online posting, Assistant City attorney John Strange as saying that the "Willy Build Plan or other plans could be used to inform any underlying primary zoning district discussion, but, if there is a conflict, the provisions of the Third Lake Ridge Historic District Plan would take precedence for purposes of a Landmark decision under MGO 33.19(5)(b)4.c."

The Third Lake Ridge Historic District Plan ("Plan") can be found here (design criteria begin on page 58):

<http://www.thirdlakeridge.org/build/TLRHistoricDistrictPlan1978.pdf>

The proposed building's height exceeds the Plan's design criteria

MGO 33.19(11)(d)2. provides:

"The height of any new structure shall be visually compatible with the buildings and environment within its visually related area."

The Plan provides:

"In new [commercial] construction the height of a new building shall be compatible with its older neighbors." To further explain the concept, an illustration is provided in which a new building is visually related to its older neighbors using the criteria of "similar height." (Copy attached.)

The roof line elevations of the proposed building and the other buildings in the visually related area are (ground level elevation along Williamson is 857 feet):

Proposed building:	929.33 feet (approx. height 72 ft. 4 in.)
714 Williamson (Olds Building):	909 feet (approx. height 52 ft.)
301 S Blount (Harvester Building):	897.33 feet (property is on a downslope, approx. height is 46 ft. on the south side nearest the proposed building)
654 Williamson (Red Caboose)	878.25 feet (approx. height 21 ft. 3 in.)

The proposed building would be 20 feet taller than its tallest neighbor (or more than a third taller than the Olds Building). When compared to the Harvester Building, the proposed building's elevation would be 32 feet above the Harvester's roof line, and the actual height of the proposed building would be half again the height of the Harvester Building.

The ordinance's "visually compatible" requirement, on its own, may be open to interpretation with respect to the building as proposed. However, any ambiguity vanishes when the Plan is taken into account. The Plan requires a "similar height" and that height does not include any pediments (as shown in the illustration). A proposed building that is more than a third again as high as its tallest neighbor cannot be said to be of "similar height." If the proposed building did not have the top floor (13 feet), the proposed building would be approximately 7 feet higher than the Old Building. Whether a building 7 feet taller than its highest neighboring building (at approximately 52 feet) is of "similar height" is arguably open to interpretation.

### Certificate of Appropriateness

MGO 33.19(5)(b)4. requires the Commission to make three determinations. One determination, MGO 33.19(5)(b)4.c. is whether the proposed construction "... does not conform to the objectives and design criteria of the historic preservation plan ..."

MGO 33.19(5)(b)5. requires the Commission to issue a Certificate of Appropriateness if all three criteria can be answered in the negative.

MGO 33.19(5)(b)4.c. cannot be answered in the negative. The proposed building does not conform to the Plan in that it is not of a "similar height."

Also of interest is BUILD, which provides the following height limit for Zone III (the zone in which the proposed building is located):

"The height of a new building shall not exceed 54 feet or five stories, whichever is less."

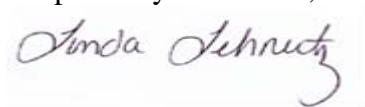
The Common Council passed the resolution adopting the "Design Guidelines and Criteria for Preservation: Williamson Street 600-1100 Blocks Plan" by acclamation on January 18, 2005. This resolution also resolved that:

"Planning Unit staff is hereby directed to prepare the necessary ordinance amendments to update the Third Lake Ridge Historic District Ordinance."

Although Legistar does not document any review of ordinance updates in response to BUILD, it is clear that the Common Council wanted the ordinance updated to reflect BUILD's design standards and criteria. Thus, BUILD's criteria that new construction not exceed the greater of 54 feet or five stories, provides further support for a determination that the proposed building is too tall.

Also of some concern is the building's volume. Although the proposed building is only about 15% larger in volume than the Olds Building, its volume would be roughly double the volume of the Harvester Building.

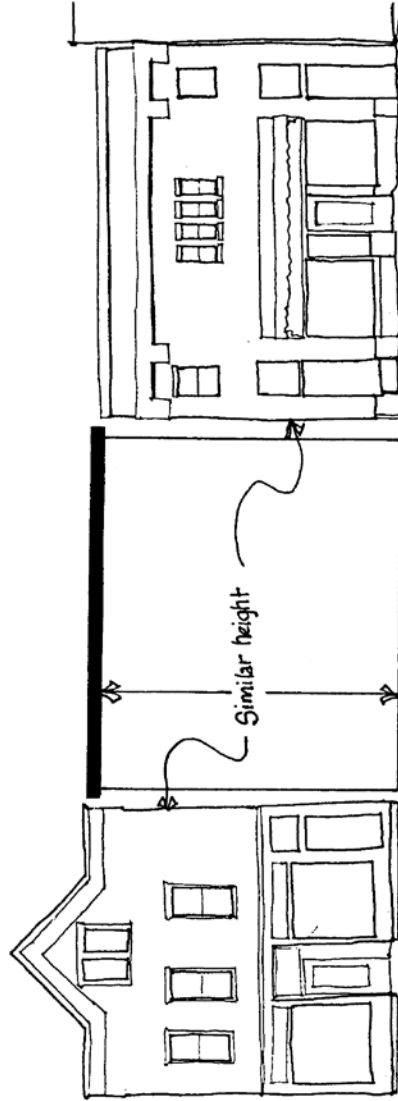
Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Linda Lehnertz", is written in dark ink on a light-colored background.

Linda Lehnertz

## Development Handbook ☐

### Commercial Criteria



In new construction the height of a new building shall be compatible with its older neighbors. Additions to existing buildings shall be made in compatibility with larger older buildings in the area.