

**Topic:** Heritage Preservation Board (HPB)

**Date Introduced:** November 24, 2009

**Why on the list:** Issue was raised by members of the Heritage Preservation Board in regard to conflicting standards for driveway width and side yard setbacks.

**History:** The Heritage Preservation Commission was established in 1975. They are charged with advising the City Council, staff and other boards and commission on all matters relating to heritage resource preservation, protection and enhancement. (See the powers and duties of the HPB in the attached documents.)

There has been confusion as to when the ZBA should review variances on properties that also require review by the HPB.

**Decision Points/**

**Options:** 1. Establish HPB policies regarding when/if projects should be reviewed by the HPB.

## **Section 801 - Heritage Preservation**

**801.01 Policy and Establishment.** The City Council finds that historically significant buildings, sites, structures, objects and districts represent scarce, non-renewable heritage resources that are critical assets for community development; that heritage preservation is an important public service and a legitimate responsibility of City government; and that the preservation, protection and enhancement of significant heritage resources for the benefit of present and future citizens is a public necessity. Therefore, pursuant to Minnesota Statutes §471.193, the City Council continues the Heritage Preservation Board (the "Board") as the City's heritage preservation commission.

**801.02 Purpose.** The Board shall assist and advise the City Council, City Manager, and other city boards and commissions on all matters relating to heritage resource preservation, protection and enhancement. The Board shall safeguard the significant heritage resources of the City by identifying significant heritage resources and nominating them for designation by the City Council as Edina Heritage Landmarks; by developing and maintaining a comprehensive preservation plan; by reviewing applications for city permits in relation to properties designated as Edina Heritage Landmarks; and by encouraging the preservation, rehabilitation, restoration, and reconstruction of significant heritage resources through public education.

**801.03 Definitions.** Unless otherwise stated, or unless the context clearly indicates a different meaning, the words or phrases in the following list of definitions shall, for the purposes of this chapter, have the meanings indicated:

**Certificate of Appropriateness.** A certificate issued by the City Planner and attached to a city permit evidencing compliance with the city's comprehensive heritage preservation plan.

**City Planner.** The member of the City staff responsible for zoning administration.

**Comprehensive Heritage Preservation Plan.** The official guide plan for implementing the City's heritage resource preservation policies, adopted by the City Council, that establishes goals and priorities and integrates heritage preservation with other planning data.

**Edina Heritage Landmark.** Any heritage resource so designated by the City Council that is significant in history, architecture, archeology, or culture and therefore worthy of preservation and consideration in City planning.

**Evaluation.** The process of determining whether identified heritage resources meet defined criteria of historical, architectural, archeological, or cultural significance.

**Heritage Preservation Board.** The heritage preservation advisory commission appointed by the City Council.

**Heritage Resource.** Any prehistoric or historic building, site, structure, object or district that has historical, architectural, archeological, or cultural value to the citizens of Edina, the State of Minnesota, or the United States.

**Preservation.** The act or process of applying measures to sustain the existing form, structure, integrity, and material of a heritage resource.

**Reconstruction.** The act or process of reproducing by new construction the exact form and detail of a vanished building, structure, or object as it appeared during a specific period of time.

**Rehabilitation.** The act or process of returning a heritage resource to a state of utility through repair or alteration that makes possible an efficient contemporary use while preserving those portions or features of the property which are significant to its historical, architectural, archeological, or cultural values.

**Restoration.** The act or process of accurately recovering the form and details of a heritage resource and its setting as it appeared at a particular period of time by means of removal or later work or by the replacement of missing historic features.

**Significance.** The heritage preservation value of buildings, sites, structures, objects, and districts that are linked to important historical events or persons, or that represent notable expressions of architecture or engineering, or that have yielded important information about prehistory or history.

**Survey.** The physical search for and recording of heritage resources that results in an inventory of buildings, sites, structures, objects and districts worthy of consideration in City planning.

**801.04 Duties and Responsibilities.** The Board shall:

Subd. 1. Advise the City Council, City Manager, and other city boards and commissions and provide leadership for implementing the heritage preservation chapter.

Subd. 2. Develop and maintain a comprehensive plan for heritage resource preservation to ensure that community development policies and decisions respect the City's heritage and promote stewardship of heritage resources.

Subd. 3. Conduct an ongoing survey of historic buildings, sites, structures, objects, and districts and maintain an inventory of the heritage resources in the City.

Subd. 4. Conduct evaluations to determine the eligibility of heritage resources for designation as Edina Heritage Landmarks.

Subd. 5. Nominate heritage resources for designation as Edina Heritage Landmarks by the City Council.

Subd. 6. Review city permit applications in relation to Edina Heritage Landmarks and make recommendations to the City Planner with respect to issuance of certificates of appropriateness.

Subd. 7. Review and make recommendations to the Planning Commission on development projects that affect properties designated heritage landmarks or determined eligible for designation as heritage landmarks.

Subd. 8. Inform and educate citizens about the City's heritage and the benefits of preservation.

Subd. 9. Develop regulatory and incentive programs that facilitate heritage preservation.

Subd. 10. Adopt rules of procedure, subject to City Council approval, to guide the Board's deliberations.

Subd. 11. Prepare an annual report to the City Council, describing the Board's accomplishments during the past year and presenting goals and objectives for the coming year.

#### **801.05 Membership.**

Subd. 1. **Voting Members.** The Board shall consist of nine (9) voting members. Seven (7) members shall be adult legal residents of the City appointed by the Council to three (3) year terms of office. Members shall have a demonstrated interest, knowledge, ability or expertise in heritage preservation. If available, at least one (1) member shall be a qualified professional historian, architect, architectural historian, archeologist, planner, or the owner of a heritage landmark property. One (1) member of the Board shall be appointed annually from the Planning Commission. The Council shall annually appoint one (1) student to serve on the Board as a voting member. Members of the Board shall serve without compensation and may resign voluntarily or be removed by majority vote of the Council or pursuant to Section 180 of this Code. Members who discontinue legal residency in the City shall be automatically considered to have resigned from office effective as of the date of such discontinuance. Upon termination of a voting member's term, that member's successor shall be appointed for the remainder of such term.

Subd. 2. **Edina Historical Society Membership.** A member of the Board shall be a member of the Edina Historical Society.

Subd. 3 **County Historical Society Membership.** A member of the Board shall be a member of the Hennepin County Historical Society.

#### **801.06 Organization.** The Board shall:

Subd. 1. Elect from its members a chairperson and an associate chairperson, each of whom shall serve for a period of one year.

Subd. 2. Adopt such bylaws and rules of procedure as shall be necessary or desirable for the conduct of its business.

Subd. 3. Appoint a secretary from its membership or request assignment of a staff secretary to be furnished by the City. If a secretary is assigned by the City, the secretary shall perform only such clerical duties on behalf of the Board as may be assigned by the chairperson with the consent of the City Manager.

**801.07 Professional Staff.** The City Manager shall provide the Board with professional staff with expertise in heritage preservation

**801.08 Meetings.** All meetings of the Board shall be open to the public and be governed by its rules of procedure. The Board shall hold its regular meetings on such fixed date and in such fixed place as it from time to time shall determine, with special meetings at the call of the chairperson. The minutes of all meetings shall be recorded in writing and a copy of the minutes transmitted to each member of the Council.

**801.09 Repository for Documents.** The office of the City Manager shall be the repository for all minutes, reports, studies, plans and other official documents produced by the Board.

*History: Ord 802-A2 adopted 10-22-75; Ord No. 2002-03 adopted 6-18-02 deleting Section 800 and replacing with Section 801.*

*Reference: M.S. 138.17, 471.193*

*Cross Reference: Sections 180, 850; Subsection 850.20*

## Minutes of the Meeting of the Planning Commission on November 24, 2009

**TOPIC:** Role of the Heritage Preservation Board in development review

**DATE INTRODUCED:** November 24, 2009

**DISCUSSION 11/24/2009**

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### **Introduction**

Planner Teague noted that the HPB has raised the issue of conflicting standards (HPB & Zoning Ordinance) for driveway width and side yard setbacks. Planner Teague added the HPB has also acknowledged as indicated previously by Chair Rofidal that there has been confusion as to when the Zoning Board of Appeals should review variances on property that also required review by the HPB. Concluding, Planner Teague said in his opinion it would be a good idea if the Commission were to establish policies regarding when/if projects are reviewed by the HPB.

### **Discussion 11/24/2009**

Chair Fischer said he believes the ordinance should establish language when there is a crossover between commissions/boards. Continuing, Chair Fischer said in his opinion the HPB should hear the issue first and forward their action to the board.

Commissioner Staunton agreed; however if the HPB were to issue a Certificate of Appropriateness (COA) that requires a variance and the Zoning Board hears the request and makes modifications would that need to go back to the HPB?

Commissioner Carpenter said in his opinion the ordinance update could implement different standards for the HPB. Commissioner Carpenter pointed out of the three Commissions discussed the HPB is the only Commission with review authority. Chair Fischer agreed pointing out that the City Attorney would need to weigh in on any language and process change.

Commissioner Grabiell said he would like more City Attorney input on this topic. He questioned who would decide conflict, adding where is the line drawn between what the HPB requires and the Zoning Board. Could issues bounce back and forth between them?

Further discussion acknowledged the all board and commissions serve at the pleasure of the City Council, pointing out there is an appeals process if projects are denied, etc.

**Action**

**Preliminary Recommendation to establish policies regarding when/if projects should be reviewed by the HPB. Have the City Attorney also weigh in.**

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<b><u>TOPIC</u></b>	<b>Heritage Preservation Board role in the Development Review Process</b>
<b><u>DATE INTRODUCED</u></b>	<b>November 24, 2009</b>
<b><u>CONTINUED DISCUSSION</u></b>	<b>December 9, 2009</b>

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**Discussion**

The ZOUC discussed the roles of the Zoning Board of Appeals and the Heritage Preservation Board (HPB) and decided as a final recommendation that applications should first receive HPB review, prior to variance review by the Zoning Board of Appeals.

City Attorney Knutson reiterated that the City could re-zone the Country Club Overlay District as a separate Zoning District with unique and specific requirements from what is currently required by the R-1 District.

**Action**

**The ZOUC agreed to a final draft recommendation that when a variance is required in the Country Club or other Edina Heritage Landmark District that also requires a Certificate of Appropriateness (COA); the Heritage Preservation Board should hear the COA application prior to variance review by the Zoning Board of Appeals.**