



**HISTORIC DISTRICT COMMISSION
REGULAR MEETING MINUTES
December 8, 2009, at 4:00 p.m.**

*Judith Fouts, Commissioner
Monte Morrison, Commissioner
Mary Maercklein, Commissioner
Ellie O'Donnell, Commissioner*

*Don Curran, Commissioner
Suzell Eisenberger, Commissioner
Betty Breclaw, Commissioner
Blaine DeGrave, Staff Liaison
James V. O'Toole, City Manager*

[Escanaba City Hall, Council Chambers, 410 Ludington Street, Escanaba, MI 49829](#)

The meeting was called to order by Liaison Blaine DeGrave at 4:04 p.m. in the Council Chambers of City Hall located at 410 Ludington Street.

Present: Patricia Baribeau, Betty Breclaw, Don Curran, Judith Fouts, Mary Maercklein, Monte Morrison, Blaine DeGrave

Absent: Suzelle Eisenberger, Ellie O' Donnell

Also Present: Jim O' Toole, Robert Richards, Matt Sviland, Judy Schroeder, Cori Triest

Breclaw moved, Maercklein seconded, **CARRIED UNANIMOUSLY**, to approve regular Historic District Commission Minutes from November 4, 2009, as printed.

ADJUSTMENTS TO THE AGENDA

NONE

CONFLICT OF INTEREST DECLARATION

NONE

TREASURER'S REPORT

NONE

UNFINISHED/OLD BUSINESS

A. Election of Officers

Question arose as to the responsibilities of each of the officers.

Blaine DeGrave, liaison, answered with a brief explanation of each of the officer's responsibilities. The Chairman will be responsible for running meetings. The Vice-chair will handle the responsibilities of the Chair should there be any absence of the person filling that position. The secretary will be responsible for the signing of the approved minutes. One of the DDA co-directors will be on hand to take minutes.

The City offered its support to anyone who should choose to accept an officer position.

DeGrave called for nominations to be received at that time.

A nomination was received to elect Don Curran to Chairman. Nomination was accepted. No other nominations were heard.

Breclaw moved, Morrison seconded, CARRIED UNANIMOUSLY, to elect Don Curran as the Chairman of the Historic District Commission.

Don Curran took over the meeting.

Chairman Curran called for nominations for Vice-chair.

A nomination was received to elect Mary Maercklein to Vice-chair. Nomination was accepted. No other nominations were heard.

Breclaw moved, Fouts seconded, CARRIED UNANIMOUSLY, to elect Mary Maercklein as the Vice-chair of the Historic District Commission.

A nomination was received to elect Betty Breclaw to Secretary. Nomination was accepted. No other nominations were heard.

A question arose regarding the responsibilities of the Secretary. Jim O' Toole answered that DDA Staff will be responsible for keeping minutes of the meetings. Chairman Curran, the Secretary, and Blaine DeGrave will be responsible for signing approved minutes.

Maercklein moved, Morrison seconded, CARRIED UNANIMOUSLY, to elect Betty Breclaw as the Secretary of the Historic District Commission.

PUBLIC HEARINGS

A. Certificate of Appropriateness and Notice to Proceed- 1615 Ludington Street

Chairman Curran informed those present that the Commission meeting would now be open to any public comment regarding the matter at hand. Public comment was called for three times. With none being heard, discussion of the Certificate of Appropriateness and Notice to Proceed at 1615 Ludington Street commenced.

At that time, Blaine DeGrave disclosed the staff report to the Commission and to those present.

**CITY OF ESCANABA
HISTORIC DISTRICT REVIEW STAFF REPORT
CASE NO. HC-120809-01
REFERENCE: 1617 LUDINGTON STREET
DATE: December 1, 2009**

PROPERTY OWNER/APPLICANT ADDRESS:

Swanee Inc.

Point of Contact: Matthew D. Sviland

1121 Lakeshore Drive

Escanaba, MI 49829

TYPE OF REQUEST:

Mr. Matt Sviland, representative of Swanee, Inc, has requested the Historic Commission issue a Certificate of Appropriateness and Notice to Proceed for work he is proposing at 1615 Ludington Street (Lofts on Ludington). In accordance with Ordinance No. 1100, Section 12. Permit Applications, a permit must be obtained before any work affecting the exterior appearance of the historic resource is performed within an historic district. Additionally, Mr. Sviland is requesting a Notice to Proceed be issued in accordance with Section 14 Notice to Proceed.

CURRENT ZONING:

Commercial (E)

Historic District Resource Land Use: Mixed Residential/Business.

GOVERNING ORDINANCE:

Ordinance No.1100, Historic District Ordinance

DESCRIPTION OF PROPOSED PROJECT:

The Lofts on Ludington will be the premier residential location in Delta County, offering the newest amenities and features in a contemporary loft setting on Ludington Street in downtown Escanaba. Located at 1615 Ludington Street, the building known to many as the “Delta Building” has been listed on the National Register of Historic Places as the Richter Brewery. It is the goal of the developer to breathe new life into downtown through the renovation and rejuvenation of this historic landmark.

The renovation and historic maintenance of this structure is the highest form of recycling. The developer will also take the lead in recycling and reusing materials from the building to maintain its architectural integrity, as well as minimizing the environmental impact of the development and existence of the lofts. Swanee, Inc is working with a local architect and engineer to create the most environmentally friendly footprint possible to:

- Employ geothermal ground source technology for the heating, cooling, and hot water needs of the buildings residents.
- Use photo-voltaic solar energy cells on the South roof surfaces.
- The twin towers to the East and West rise to a height of 65 feet, providing a great base for unimpeded wind power generation.
- The floors in the building are sloped for drainage, necessitating the need to level them with concrete which we will use as a thermal mass for highly efficient in-floor heat.
- There are several different roof levels on the building that will provide the opportunity for roof top terraces on which we will incorporate “green” roof technology.
- The windows will be replaced with energy efficient thermo-pane units as per National Park Service guidelines.
- The loft apartment units will feature Energy Star appliances, low flow toilets, water saving shower heads and faucets, and compact florescent light bulbs.

The 15 apartments and 3600 square feet of commercial leasehold space created with this new project are not only meant to provide a new foundation for living in Escanaba, but it will help to lay the groundwork for future growth in our city and prove to be a testing ground for the latest in sustainable design. The project may be viewed at; www.theloftsonludington.com.

DUTIES OF THE HISTORIC COMMISSION - REVIEW BY THE COMMISSION

The Commission shall review and act upon only exterior features of a resource and shall not review and act upon interior arrangements unless specifically authorized to do so by the City Council or unless interior work will cause visible change to the exterior of the resource. The Commission shall not disapprove an application due to considerations not prescribed in subsection 399.205 (3) of Public Act 169 of 1970, as amended.

COMPLIANCE WITH THE SECRETARY OF THE INTERIOR’S STANDARDS

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

3. Each property shall be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development such as adding conjectural features or architectural elements from other buildings shall not be undertaken.
4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
5. Distinctive features, finishes and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.
6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical or pictorial evidence.
7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale and architectural features to protect the historic integrity of the property and its environment.
10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

COMPLIANCE WITH DESIGN REVIEW STANDARDS AND GUIDELINES – APPROVAL STANDARDS:

1. In reviewing plans, the Commission shall follow the U.S. Secretary of Interior's *Standards for Rehabilitation* and guidelines for rehabilitating historic buildings as set forth in 36 C.F.R. part 67. Design review standards and guidelines that address special design characteristics of historic districts administered by the Commission may be followed if they are equivalent in guidance to the Secretary of Interior's *Standards and guidelines* and are established or approved by the State Historic Preservation Office of the Michigan Historical Center.
2. The Commission must also consider all of the following:
 - A. The historic or architectural value and significance of the resource and its relationship to the historic value of the surrounding area.
 - B. The relationship of any architectural features of the resource to the rest of the resource and to the surrounding area.
 - C. The general compatibility of the design, arrangement, texture, and materials proposed to be used.
 - D. Other factors, such as aesthetic value, that the commission finds relevant.
 - E. Whether the applicant has certified in the application that the property where the work will be undertaken has, or will have before the proposed project completion date, a fire alarm system or a smoke alarm complying with the requirements of the Stille-DeRossett-Hale single state construction code act, 1972 PA 230, MCL 125.1501 to 125.1531.

NOTICE TO PROCEED/DENIAL

Work within an historic district shall be permitted through the issuance of a Notice to Proceed by the Commission if any of the following conditions prevail and if the proposed work can be demonstrated by a finding of the Commission to be necessary to substantially improve or correct any of the following conditions:

- A. The resource constitutes a hazard to the safety of the public or to the structure's occupants.
- B. The resource is a deterrent to a major improvement program that will be of substantial benefit to the community and the applicant proposing the work has obtained all necessary planning and zoning approvals, financing, and environmental clearances.
- C. Retaining the resource will cause undue financial hardship to the owner when a governmental action, an act of God, or other events beyond the owner's control created the hardship, and all feasible alternatives to eliminate the financial hardship, which may include offering the resource for sale at its fair market value or moving the resource to a vacant site within the historic district, have been attempted and exhausted by the owner.
- D. Retaining the resource is not in the interest of the majority of the community.

If a permit application is denied, the decision shall be binding on the City Manager or designee or other authority. A Denial shall be accompanied by a written explanation by the Commission of the reasons for denial and, if appropriate, a notice that an application may be re-submitted for Commission review when the suggested changes have been made. The Denial shall also include the notification of the applicant's right to appeal to the State Historic Preservation Review Board and to the circuit court.

STAFF FINDINGS, COMMENT, GENERAL PLAN GOALS AND CONDITIONS OF APPROVAL:

Staff is recommending approval of the Certificate of Appropriateness and Notice to Proceed for the following reasons:

- A. The proposed improvements are consistent with the Secretary of the Interior's Standards for Rehabilitation. Specifically, Numbers #2, #4 and #6
- B. The proposed improvements have been reviewed and approved by the State of Michigan Department of History, Arts and Libraries.
- C. The proposed improvements have been reviewed and approved by the National Park Service, U.S. Department of the Interior.
- D. The Richter Brewery Historic District Study Sub-committee has recommended the resource be designated as a historic resource in the City of Escanaba.
- E. As a condition of approval the Notice of Appropriateness and Notice Proceed that states Mr. Sviland must install replacement windows that must match the appearance, size, design, proportions, and profiles of the existing windows as outlined and mandated by the U.S. Department of the Interior National Park Service.

FISCAL IMPACT:

The construction value of the building rehabilitation is estimated to be \$4,004,837.00.

This project has the full support of the City of Escanaba Administration, the Escanaba Loan Board - \$525,000.00 in UDAG Loans, the Escanaba DDA – a \$20,000.00 Façade grant, the Delta County Economic Alliance, MSHDA – a \$240,000.00 Façade Grant, MEDC MEGA 20% Brownfield Redevelopment Tax Credit, and SHPO/NPS - 20% Federal

Historic Tax Credit. In addition, a Single Resource Historic District has been created making this project eligible for 5% Michigan Historic Tax Credits and 15% Enhanced Michigan Historic Tax Credits.

PUBLIC CONTACT:

Notice of Public Hearing was published in the Escanaba Daily Press Newspaper and meeting notices were mailed to the adjacent property owners of the project site.

The meeting agenda was posted on the City's official notice bulletin board and the City of Escanaba's website.

ALTERNATIVES:

Not applicable.

ENFORCEMENT HISTORY:

None.

OTHER CONSIDERATIONS:

None.

BACK UP INFORMATION:

1. Application for Certificate of Appropriateness.
2. U.S. Department of the Interior National Park Service – Historic Preservation Certification Application – part 2 – Description of Rehabilitation.
3. National Register of historic Places Registration Form.
4. State of Michigan Department of history, Arts and Libraries letter stating the resource appears to be individually eligible for listing on the National register under criteria A and C at the local level of significance and a recommendation to approve the historic structure (Part 1) certification request.
5. Rehabilitation Proposal Estimate – National Restoration, Inc.
 - f. Letter of Support – Delta County Historical Society.
 - g. Letter of Support – Escanaba Downtown Development Authority.
 - h. Letter of Support – City of Escanaba.
 - i. Letter of Support – City of Escanaba Planning Commission.
 - j. Letter of Support – National Trust for Historic Preservation.
 - k. Letter of Support – William Bonifas Fine Arts Center.
 - l. Letter of Support – Sen. Michael Prusi.

After completing the reading of the staff report questions of the commission were called for.

Question was asked regarding #9 of the Secretary of the Interior's Standards.

Matt Sviland answered the question to the tune that any additions to the property must be differentiated so that a visitor to the property would be visually notified of where changes were made. Mr. Sviland also stated that the wind turbines and the solar panels might not pass through SHPO, but they are incorporated into the plans and designs to assist in creating an environmentally friendly project.

Fouts asked whether the turbines would be disturbing to neighbors.

It was answered the turbines were a special type that emitted very little sound.

Fouts also asked what green technology of the roof was. It was clarified that the green technology consisted of plants and flowers on the roof of the building.

Chairman Curran called for Public Comment. None was heard.

Morrison moved conditioned upon the staff recommendations items 1-5, Breclaw seconded, CARRIED UNANIMOUSLY, to approve a Certificate of Appropriateness and Notice to Proceed for Matt Sviland for his property located at 1615 Ludington.

NEW BUSINESS

A. Historic District Commission By-laws and Application Submittal Information

The role of the Historic Commission includes some functions in addition to the Ordinance duties and responsibilities. A discussion will take place concerning conceptual Historic Commission by-laws which will, once enacted, facilitate the performance duties of the commission. Additionally, the Historic Commission will discuss what will be included in an application submittal before a Certificate of Appropriateness and a Notice to Proceed.

Training has been coordinated through Nan Taylor for either February 2, 2010, or February 4, 2010.

Maercklein questioned whether or not bylaws are to be created before or after training. Jim O' Toole clarified the bylaws would be set after the training. The bylaws that were originally submitted to members of the Commission may include too many unnecessary items or might not have some items the Commission deems important.

Commission discussed the dates available for the training, as well as details about the training such as location, time and length.

It was the general consensus of the Commission that the primary date for the training is to be set for Tuesday, February 2, 2010, with Thursday, February 4, 2010 as the backup date.

B. Project Updates

1. Historic District Commission Training- Michigan Historic Preservation Network

Discussed Above

2. Various Developments/Updates

None

General Public Comment- None

Commission/Staff Comment and Announcements- None

Adjournment

Fouts moved, seconded by Breclaw, CARRIED UNANIMOUSLY, to adjourn the Historic District Commission meeting at 4:45p.m.

Respectfully submitted,

Judy Schroeder
Cori Triest
DDA Co-Directors

Approved: _____

Don Curran, Chairman

Approved: _____

Betty Breclaw, Secretary

Approved: _____

Blaine DeGrave, Staff Liason