Municipal Building 625 52nd Street – Room 202	***Kenosha Historic Preservation Commission Agenda***	**Thursday, August 30, 2012 5:00 p.m.**
Don Jensen – Chairperson, Tom Schleif – Vice-Chairperson, Alderman Jan Michalski, Sue Dyke O'Day, Jennifer Heim and Merike Phillips		

Call to Order and Roll Call

Approval of Minutes from June 28, 2012

1. *Certificate of Appropriateness* for Demolition of *Elk's Club* at 5706 Eighth Avenue. (District #2) PUBLIC HEARING

Public Comments

Commissioner Comments

Staff Comments

Adjournment

Community Development & Inspections
625 52nd Street – Room 308
Kenosha, WI 53140
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www.kenosha.org

If you are disabled in need of assistance, please call 262.653.4030 at least 72 hours before this meeting.

Notice is hereby given that a majority of the members of the Common Council may be present at the meeting. Although this may constitute a quorum of the Common Council, the Council will not take any action at this meeting.

HISTORIC PRESERVATION COMMISSION
Minutes
June 28, 2012

MEMBERS PRESENT: Alderman Jan Michalski, Jennifer Heim, Don Jensen, Merike Phillips and Tom Schleif

EXCUSED: Sue Dyke O'Day

STAFF PRESENT: Mike Maki, Jeffrey B. Labahn and Martha Swartz

Other present included: *Aldermen Schwartz, Bogdala and Gordon*

The meeting was called to order at 5:00 p.m. by Mr. Jensen and roll was taken.

Mike Maki, Community Development Specialist, noted 2 corrections to the February 23rd minutes. On page 2, the first full paragraph, it should state *380* signatures, not *80* signatures. On page 2, the second full paragraph, should state *special administrator for the building*, not *owner of the building*. A motion was made by Alderman Michalski and seconded by Mr. Schleif to approve the minutes as amended. The motion passed. (Ayes 5; Noes 0)

1. **Certificate of Appropriateness for Demolition of Elk's Club at 5706 Eighth Avenue. (District #2) PUBLIC HEARING**

Public hearing opened.

Kirsten McVey, 6300 5th Avenue, opposes the demolition of the building.

John Allen, 406 78th Street, opposes the demolition of the building.

Joyce McClain, 420 57th Street - #308, opposes the demolition of the building.

John Fox, 4803 7th Avenue, opposes the demolition of the building. Mr. Fox said he supports the preservation and would like to extend the 120 day deferral period.

Jim Adamson, 427 54th Street, opposes the demolition of the building. Mr. Adamson said a 120 extension puts pressure on people, the extension should be open-ended.

Judy Kohlson, no current address, said she has recently moved to Kenosha and is looking to start a ministry. This could be a perfect location. Ms. Kohlson opposes the demolition.

Alderman Chris Schwartz, 402 6th Avenue, alderman for the district said she has received many calls in support of preserving the building. If people are showing interest, we should give them a chance to come forward and preserve the building.

Chris Roemer, 420 57th Street, circulated information to the Commission and is a spokesperson for a group working to save the building. Ms. Roemer noted that access to the building has been difficult and she has developers who have shown interest. Ms. Roemer said she was told there were reports and information, but it has not been provided to her. The Group is asking that the ownership interest be changed.

John Christensen, 5607 13th Avenue, special administrator for the building, said he told Mayor Bosman he would have an open door policy if it was respected. Mr. Christensen added that no one contacted him asking for access to conduct testing, they only want the previous structural documents. Mr. Christensen said if anyone want to enter the building, they should contact the City and make an appointment with Mike Maki. The City has allowed the extension and now the building is becoming a detriment to the City Police and Fire Departments. We should make a final decision tonight.

Lou Rugani, 4526 29th Avenue, supports deferring the decision for several weeks until the Lakota Group finishes the Downtown Plan.

Alderman Bogdala, 7101 96th Avenue, opposes the demolition of the building. There are other buildings in the City that should be razed to rebuild, but there are people willing to work on preserving this building. Alderman Bogdala said do not defer this order, remove the demolition order completely.

Mary Andrea, 508 68th Street, opposes the demolition of the building.

Public hearing closed.

Mr. Maki responded to some of the questions:

Why are we meeting?
At the February 23, 2012 Historic Preservation meeting, the Commission voted to defer the Certificate of Appropriateness for demolition for 120 days. At that time the Commission will be required to take action.

Who owns the property?
The property is not in a trust and is not owned by the City. There was a person appointed as a special administrator, John Christensen, for the property.

Will this be razed with City money?
The money for the demolition will not be coming from the City, it will be coming from KABA. This will not be tax payer's money.

Why can't the timeline be open-ended?
There is a limit to how long the demolition money will be available. If this property needs to be razed in the future, the funding will be coming from the tax payers.

What has happened in the last 120 days?
-The City was brought in to work with Mr. Christensen and developers.
-Gorman & Company went through the building; they said they were not interested at this time.
-WHEDA emphasized workforce housing, jobs and employment. They do not favor adaptive re-use.
-The City then spoke to another developer; they have now backed out of the project.
-For re-use of the building, housing is most logical.
-The initial draft of the Downtown Plan should be completed within 45 days, but this will probably only offer generalizations and not specific recommendations.

Ms. Heim asked Mr. Maki to comment on the 6 month period. Mr. Maki said that Chapter 15 states the Historic Preservation Commission has the ability to defer action

on demolition of a historic building. We have spent four of the six months and have two months left to defer action. The Commission could also vote to raze the building tonight.

Ms. Heim said do you mean if a developer does not come forward by August 23, 2012, there is nothing that can be done to save the building. Mr. Maki said no, if it is deferred tonight for two (2) more months, the Commission could meet again and review the facts. Beyond the August 23, 2012 date, it would be up the City to continue the deferral or proceed with the raze.

Mr. Jensen asked if the Commission has the power to defer the demolition order beyond the two months. Mr. Maki said under no, not under the current Ordinance, but I would have our legal department clarify that.

Alderman Michalski said there were comments that the City should forgive the tax delinquency on the property, but that is a more complicated County matter. People have asked why the time deadline is not open-ended. If there is no deadline, people will not see the urgency in this matter. Alderman Michalski said it would be reasonable to wait until the Lakota Group completes their Downtown Plan and makes suggestions.

Ms. Phillips said the City issued a demolition request. Isn't the building structurally sound? What is the urgency? Jeffrey B. Labahn, Director, deferred this question to Martha Swartz, Property Maintenance Inspector, who has been monitoring the building over the years.

Ms. Swartz said that State Statutes note that when the cost of repairs exceed 50% of the value of the building, it meets the criteria to order a raze.

Mr. Jensen said there is talk of securing the building. Is the roof secure? Is is deteriorating as we speak? Ms. Swartz said she wasn't in the building for 2-3 years, but the last time she was in the building, the roof was leaking and there have been no repairs. The roof is leaking badly and there is also water leaking through the windows. Mr. Jensen said people have terms like "structurally sound" , what does that mean? Ms. Swartz said she is not a structural engineer, but with continuous water leaking in, it is deteriorating. Mr. Jensen asked if Ms. Swartz had a ballpark figure to bring it up to code. Ms. Swartz said she does not have an estimate.

Ms. Phillips said the Lakota Group recommended some simple security issues to prevent deterioration from accelerating the destruction and allow time for a study to take place. The Group suggested they may be able to do an advocacy on the building. Ms. Phillips said we need to protect this historic property and keep it as an asset of the State. We cannot have demolition by neglect. This property is potentially eligible for the National Register.

A motion was made by Ms. Phillips and seconded by Mr. Schleif to defer the demolition for two more months.

Alderman Michalski asked if an extension is recommended beyond the 6 months, could that happen. Mr. Maki said that would have to be voted on after the 6 months has elapsed. The Historic Preservation Commission is advisory only. I will clarify an additional extension with the City Attorney. Alderman Michalski asked Staff to get clarification and email it to the Commissioners. Mr. Maki said the jurisdiction falls out of the hands of the Historic Preservation Commission at that time. It would be up to the City if they proceed with the raze orders.

Ms. Phillips asked Staff to clarify with the City Attorney that Commission had a total of six (6) months to work on this project.

Mr. Jensen said we do not see the funds that will provide the restoration of this building. I do not believe that anyone will come forward to save the building and we will be in the same place we are today. We are not sure how long the funding will be available from KABA to demolish the building. If the KABA funds are withdrawn, the City will have to come up with the funding. There are other historical structures that need to be addressed and not enough money to save them all. We need to decide where to save our heritage and our tradition. Mr. Jensen said he does not support the delay.

Ms. Phillips said the name of this Commission is Historic Preservation and it is our job to lobby for the buildings. We need to see what we can do.

Mr. Jensen said our mission is bigger than to advocate for just one building. We need to decide why this building is important to the City.

-The Question was called.

On roll call vote, the motion to defer for two months passed. (Ayes 4; Noes 1) *Mr. Jensen voted no.*

2. **By Alderman Jan Michalski - To Create Chapter XXXVIII of the Code of General Ordinances Entitled Kenosha Heritage. PUBLIC HEARING**

Public hearing opened.

Lou Rugani, suggested that if we bring forward another Ordinance, we should make it enforceable, not advisory only.

Public hearing closed.

Mr. Maki said this is an expansion of the powers of the Commission. Currently the Commission has jurisdiction on the exterior only. The proposed Ordinance would target interior items, such as murals. If an item was designated a Historic Artifact, they would come to the Commission for any action that affects the artifact. A decision could be appealed at the Common Council level.

Alderman Michalski said the proposed Ordinance would give the Commission more completeness.

Mr. Schleif asked if the archeological items would include mausoleums and cemeterys. Mr. Maki said he would get clarification.

Mr. Jensen asked if properties owned by the County would be included. Mr. Maki said this pertains to City owned properties only.

Ms. Heim asked why a private owner could appeal then. Mr. Maki said the National Register reference would include the County. It was also clarified that another section of the Ordinance included properties not owned by the City.

A motion was made by Ms. Heim and seconded by Ms. Phillips to approve the Ordinance. The motion passed. (Ayes 5; Noes 0)

Public Comments

Public hearing opened.

Ned Pennifeather, 6516 5th Avenue, said he has an idea for the Elks Club for re-use.

John Fox, spoke again in opposition of the demolition of the former Elk's Club building. The 120 day deferral is not enough time. Mr. Fox also suggested the bathroom at Eichelman's Park needs to be updated and saved.

Alderman Scott Gordon, 5204 46th Avenue, said tonight he heard many people talking in different directions with ideas. We are two (2) months away from another vote. There is no cohesive effort to work together. Lets get the facts and work together.

Public hearing closed.

Commissioner Comments

The Commission welcomed Jennifer Heim.

Mr. Schleif asked what if we would deny the demolition certificate? Mr. Maki said the Commission could deny the Certificate to Raze, but would still have 2 months to work with the Owner. If we would have passed the Certificate to Raze, the building could have been razed today. There are three options, Defer, Grant Preservation or Grant the Raze.

Ms. Heim asked do we lose jurisdiction as of August 23rd? Ms. Phillips said there is no point of deferral. Mr. Maki said there will be the same outcome.

Ms. Phillips asked when will another Commissioner be appointed? Mr. Maki said a name has been suggested.

Staff Comments

Mr. Maki said this item will be back on the August 30th meeting. Mr. Labahn said the Downtown Plan should be completed within 45-60 days. The study will not have detailed recommendations, but rather a broader study.

A motion was made by Alderman Michalski and seconded by Mr. Schleif to adjourn the meeting. The motion passed. (Ayes 5; Noes 0) The meeting adjourned at 6:55 p.m.

Meeting Minutes Prepared by: Kay Schueffner, Community Development & Inspections

FACT SHEET Kenosha Historic Preservation Commission	Community Development Division 625 52nd Street Kenosha, WI 53140 262.653.4030	August 30, 2012	Item 1

Certificate of Appropriateness for Demolition of Elk's Club building at 5706 Eighth Avenue. (District #2) PUBLIC HEARING

PURPOSE:

Review the request to Raze the former Elk's Club building. This follows a 180-day deferral of action.

NOTIFICATIONS/PROCEDURES:

The alderman of the district, Alderman Chris Schwartz, has been notified.

ANALYSIS:

- On February 23, 2012, the City of Kenosha requested a *Certificate of Appropriateness* for Approval of Demolition of the former *Elk's Club* building at 5706 Eighth Avenue.

- The *Elk's Club* is listed as a local historic structure and is not listed on the State and National Register of Historic Places.

- The Commission voted to defer action on the *Certificate of Appropriateness* for a period of 120 days and a subsequent additional 60 days to allow time for a Developer to come forward with a Business Plan to save the building. To date, there has been some interest, but the City has not received a solid Business Plan to save the building.

- The *Kenosha Downtown Strategic Development Plan* has now been completed. Public and Commissioner comments asked that a decision be delayed until this plan was completed.

- Regarding the *Elk's Club* and/or historic buildings, the Plan notes the following:
  1. The *Elk's Club* building, along with the *Masonic Temple* and the *Kenosha Theater*, contribute to the history and character of the Downtown and should be preserved if feasible. However, these buildings face challenges in how to fund their rehabilitation and program their future use.

  2. Historic buildings in general help maintain a consistent street frontage, contribute to the character and history of the City, and represent an investment of energy, from a sustainability perspective, that would be lost if demolished. However, many of them have not been properly maintained and suffer from significant challenges to make them useful.

  3. A key revitalization strategy is to preserve and reuse buildings that are individually designated National Register or City landmarks or contributing resources within the downtown's four historic districts.

  4. Historic buildings present suitable, lower-cost space for attracting and supporting new start-up businesses and commercial activity. The upper floors can be adapted and reused for new offices, residential apartments and loft spaces.

  5. For larger, more challenging preservation and adaptive use projects, a case-by-case and more flexible use of locally created incentives coupled with the use of Federal and State Historic Preservation Tax Credits could be employed as a viable third approach to facilitating historic preservation and economic development initiates in the Downtown.

  6. Regarding adaptive reuse projects, a potential role for the City or KABA could be to recruit prospective investors and developers. A possible role for the City could be to purchase or condemn the property

and then to resell the building outright or as part of a Request for Proposals process.

7. The Elk's Club building needs immediate repairs to its roof and skylight system as water is entering the upper floors and causing damage to the plaster walls and floors. It could be feasible to use Federal and State Historic Preservation Tax Credits as well as New Markets Tax Credits in a possible reuse. Critical to the building's future is a change in ownership and perhaps mothballing it after it has been stabilized and a Rehabilitation Plan is developed by new owners.

- Section 15.11 of the Zoning Ordinance requires a Certificate of Appropriateness to demolish all or part of a Historic Structure upon a Historic Site or in a Historic District. The permit shall be granted by the Chief of Inspection only upon first receiving a Certificate of Appropriateness from the Historic Preservation Commission, which either approves demolition or recommends preservation.
  - In the Case of Recommendation for Preservation - the Chief of Inspection may delay issuing the permit for a period of up to six (6) months during which time the applicant and the Commission shall undertake discussions for the purpose of preserving the building. The six (6) month period has now elapsed.

- Section 15.11 of the Zoning Ordinance provides standards for a Certificate of Appropriateness respecting demolition. The demolition shall be deemed appropriate where any of the following factors exist:
  - The structure is in deteriorated condition that is not structurally or economically feasible to preserve it or restore it; and
  - The denial for the Certificate of Appropriateness would deny the owner all economically viable use of their property.

- In addition to the standards for demolition, the Zoning Ordinance provides standards for Recommendation for Preservation, including (standards for building located in historic district omitted):
  - The structure is of such historic significance that its demolition would be detrimental to the public interest.
  - The structure is of such old, unusual or uncommon design, texture and/or material that it could not be reproduced or could be reproduced only with great difficulty and/or expense; and
  - The retention of the structure would encourage the study of the City's history, architecture and design or develop an understanding of the City's culture and heritage.

- At this time, the Commission has no authority to defer action longer than a six-month period. City Administration has expressed that the Raze Order should continue to be delayed to follow up on all existing leads to try to rehabilitate the building prior to continuing with the raze. However, the Raze Order will not be lifted during this interim period. Since the six-month period is expiring, this item will not come back for Commission review unless a rehabilitation plan is accepted by the City.

RECOMMENDATION:

A recommendation is made to delay exercising the Raze Order to continue discussions with interested parties and to follow up on all existing leads to potentially rehabilitate the structure.

Michael Maki, A.I.C.P.

Jeffrey B. Labahn, Director

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