



CITY OF BATTLE CREEK

Historic District Commission Meeting
(10 N. Division St., City Commission Chambers, Ste. #301 on 3rd Floor)

Monday, December 9, 2019 at 4:00

1. Call to Order:

2. Attendance:

3. Additions or Deletions to Agenda:

4. Approval of minutes: October 14, 2019

5. Correspondence:

6. Old Business:

7. New Business:

A: H-13.19: 25 W. Michigan Ave., wall sign of 27.7 sq. ft. to be mounted to the fascia of the canopy over the main entrance to the building. The sign will feature backlit illumination.

B: H-13.19: 34 E. Michigan Ave., application filed by the City of Battle Creek for a Notice to Proceed for partial demolition of the building.

C: 2020-2021 Historic District Meeting Schedule

8. Comments by the Public:

9. Comments from Commission members and Staff:

10. Adjournment:

The City of Battle Creek will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audio tapes of printed materials being considered in the meeting upon notice to the City of Battle Creek. Individuals with disabilities requiring auxiliary aides or services should contact the City of Battle Creek by writing or calling the following: Office of the City Clerk, P.O. Box 1717, 10 North Division – Suite 111, Battle Creek, MI 49016, (269)966-3348 (Voice), (269)966-3348 (TDD)

Phone (269) 966-3320 Fax (269) 966-3555

www.battlecreekmi.gov

HISTORIC DISTRICT COMMISSION
MEETING MINUTES
October 10, 2019
4:00 P.M.

CALL TO ORDER:

Chairperson Jim Hopkins called the meeting to order at 4:01 p.m.

ATTENDANCE:

Members Present:

Jim Hopkins
Charlie Fulbright Kim Tuck
Mike Troutman John Paul Wilson

Members Absent:

Kaytee Faris, Ross Simpson, Cody Newman

Staff Present:

Amber L. Straub, Deputy City Attorney
Eric Feldt, Planner
Michele K. Jayakar, Customer Service Rep., Planning Dept.

ADDITIONS / DELETIONS TO AGENDA: None.

APPROVAL OF PREVIOUS MINUTES:

MOTION MADE BY MR. MIKE TROUTMAN TO APPROVE THE MINUTES FOR THE SEPTEMBER 16, 2019 HISTORIC DISTRICT COMMISSION MEETING, SECONDED BY MR. KIM TUCK. ALL IN FAVOR; NONE OPPOSED; MINUTES APPROVED

CORRESPONDENCE: None

OLD BUSINESS: None

NEW BUSINESS:

- A. H-10-19, 62 E. Michigan Ave.: Multiple proposed signs for JPG and Fona International at the front and rear entrances of the building.**

Staff Presentation: Planner Eric Feldt presented the staff report

HDC Discussion: None.

Public Comments: None.

Planning staff recommends approval of a Certificate of Appropriateness with a condition (see below) for the submittal of a request to install two 18"x6" panels at the front and rear entrances of the building. As the request meets the standards outlined in Chapter 1470.09 "Review of Applications", Chapter 1470.17 "Preservation of Historic Features" and the Secretary of the Interior's Standards and Guidelines, as outlined in the staff report.

MOTION MADE BY MR. CHARLIE FULBRIGHT AND SECONDED BY MR. KIM TUCK TO APPROVE A Certificate of Appropriateness TO APPROVE REQUEST MADE TO INSTALL 4) 18”X6” PANELS AT THE FRONT AND REAR ENTRANCES OF THE BUILDING. VOTE ON MOTION: ALL IN FAVOR (5); NONE OPPOSED (0)(3 NEWMAN, FARIS, SIMPSON); MOTION CARRIED.

Condition

Prior to issuance of a Sign permit, the proposed signs shall consist of a matte finish.

- B. H-11-19, 2 W. Michigan Avenue, Two proposed signs for Grand Valley State University: one wall-mounted along façade, and one banner sign near the rear entry.**

Staff Presentation: Presentation given by Eric Feldt.

HDC Discussion: Some Commissions were concerned the applicant not gaining approval from adjacent owners for the new banner sign prior to submitting the HDC application. Staff indicated that is it unusual, but with the recommended condition by staff the banner sign would not be installed without gaining owner approval.

Public Comments: None.

Planning staff recommends approval of a Certificate of Appropriateness to with a condition (see below) for the submittal of a request to install one wall sign at 25.53 sq. ft. within the existing sign band on the front elevation and one banner at 12.44 sq. ft. mounted over the rear entry of the building with a condition (see below). As the request meets the standards outlined in Chapter 1470.09 “Review of Applications”, Chapter 1470.17 “Preservation of Historic Features” and the Secretary of the Interior’s Standards and Guidelines, as outlined in the staff report.

Condition

Prior to installation, the applicant shall gain permission from the affected property owners to mount Sign 2 as proposed.

MOTION MADE BY MR. KIM TUCK AND SECONDED BY MR. MICHAEL TROUTMAN TO APPROVE A REQUEST TO APPROVE REQUEST MADE TO APPROVE ONE WALL SIGN AT 2553 SQ. FT. WITHIN THE EXISTING SIGN BAND ON THE FRONT ELEVATION AND ONE BANNER AT 12.44 SQ. FT. MOUNTED OVER THE REAR ENTRY OF THE BUILDING. VOTE ON MOTION: ALL IN FAVOR (5); NONE OPPOSED (0)(3 NEWMAN, FARIS, SIMPSON); MOTION CARRIED.

C. H-12-19, 40 E. Michigan Ave., Multiple proposed signs for Edward Jones consisting of one wall-mounted along façade, and several windows signs at ground-floor façade.

Staff Presentation: Planner Eric Feldt presented the staff report.

HDC Discussion: None.

Public Comments: Jason Edward of South Water Signs was present to answer any questions but had no comment.

Planning staff recommends approval of Certificate of Appropriateness for the submittal of a request to install one wall-mounted sign along the façade, and several windows signs at ground-floor façade. As the request meets the standards outlined in Chapter 1470.09 “Review of Applications”, Chapter 1470.17 “Preservation of Historic Features” and the Secretary of the Interior’s Standards and Guidelines, as outlined in the staff report.

MOTION MADE BY MR. KIM TUCK AND SECONDED BY MR. MICHAEL TROUTMAN TO APPROVE A REQUEST TO APPROVE REQUEST MADE TO APPROVE A REQUEST FOR A MATTE FINISH, NON-ILLUMINATED SIGNAGE TO IDENTIFY BUILDING. VOTE ON MOTION: ALL IN FAVOR (5); NONE OPPOSED (0)(3 NEWMAN, FARIS, SIMPSON); MOTION CARRIED.

COMMENTS FROM COMMISSION MEMBERS AND STAFF:

Mike Troutman asked how many of the agenda items could have been handled by Staff alone today?

Eric Feldt states there has been some previous discussion regarding signs as Minor Class of Work and to expect a memo outlining items in the near future.

Mike Troutman asked for an update regarding 34 Michigan and the falling building.

Ted Dearing, from the City Manager’s office gave an update stating there is some urgency Discussion are underway to determine the extent of worked needed.

ADJOURNMENT:

Chairperson Jim Hopkins adjourned the meeting at 4:31P.M.

Submitted by: Michele K. Jayakar, Customer Service Rep., Planning Department



Battle Creek Historic District Commission

Staff Report

25 West Michigan Avenue

Meeting: December 9, 2019

To: Historic District Commission

From: Eric Feldt, Planner, AICP, CFM

Date: November 27, 2019

Subject: The petition, filed by Valley City Sign (applicant), is for the issuance of a Certificate of Appropriateness for one new sign at 25 West Michigan Avenue pursuant to Zoning and Historic District Commission requirements.

Summary

Staff recommends approval of the subject petition because the proposed sign preserves the historic integrity of the building; meets Chapter 1470 Historic Preservation, Michigan's Local Historic Districts Act; meets the criteria for the National Register of Historic Places; and complies with Ch. 1296 *Signs*.

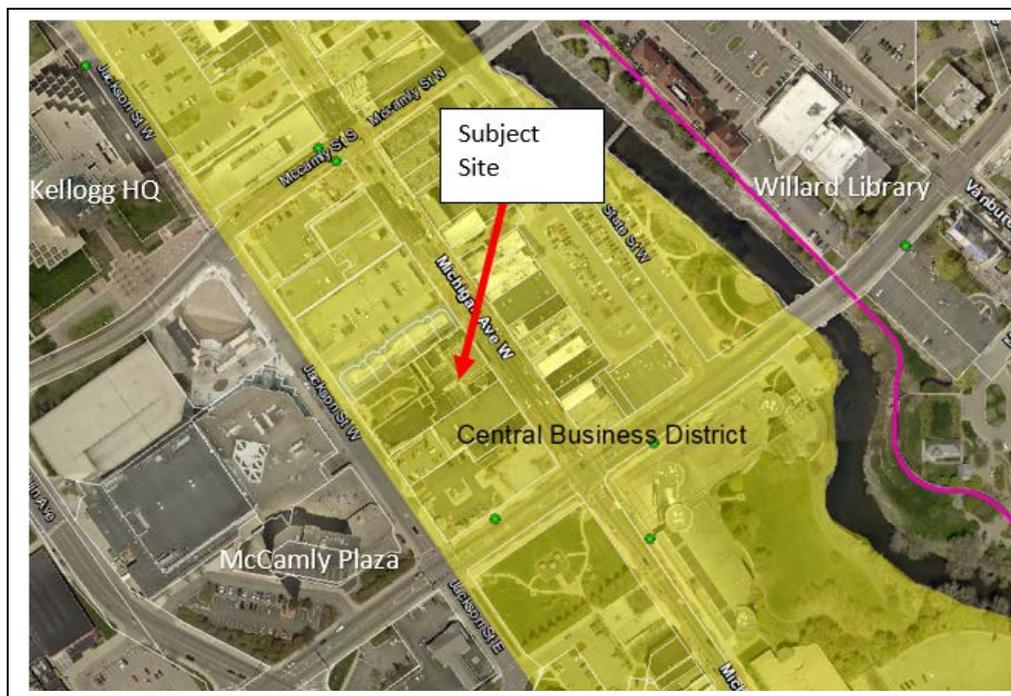


Figure 1: Arrow points to subject site (25 W. Michigan Ave.) located along W. Michigan Ave. between Capital Ave. & McCamly St. within the local historic Central Business District (shading).

Site & History

As noted earlier, the subject building is located at 25 West Michigan Avenue between Capital Avenue and McCamly Street in the local historic Central Business District. The building is one of two towering buildings in downtown Battle Creek with rich history. The subject building being the taller by five feet has an overall height of 238 feet and consists of 20 stories. The building has been known by many names since its completed construction in 1931. Its original name was the Old-Merchants National Bank & Trust Co. Building, named after its primary occupant and one of the largest banking institutes of its time due to the booming local cereal industry. The building was later named after George C. McKay, a Battle Creek resident, influential banker, and philanthropist. It also changed names to the Heritage Tower. And most recently, it has become known as The Milton, a historic name for the former area of the City of Battle Creek during the 1830s. Much of the exterior design still represents its original Art Deco and later Art Modern styles.

Summary of Request

Over the past few years, the building and property have undergone extensive construction to establish 85 new apartment units, ground-floor commercial tenants, and various exterior improvements. Various Building, Utility, and ROW permits have been issued; and many City of Battle Creek boards' and commissions' approvals have been gained. The HDC included, has provided approvals for repairs on the roof, brick & masonry elements, canopy replacement, and various window replacements under HDC case numbers V17-40 and V18-4.

The subject HDC application (No.V19-34) is a Certificate of Appropriateness for one proposed sign along the canopy fascia facing West Michigan Avenue. Per the submitted HDC application, the proposed sign states "THE MILTON" and consists of internally-lit channel lettering. The applicant has indicated that the sign will consist of a matte finish. The dimensions of the sign are 5.8 feet long by 1.75 feet = 27.65 square feet. Each channel lettering will consist of thin aluminum elements which will be bolted into the canopy's fascia element. Internal LED lighting components will light each letter. Staff notes that an aluminum internally-lit sign with a matte finish is an appropriate historic feature. Examples of this sign system exist in the local historic Central Business District, such as the recently approved Conway Photography sign (approved by HDC in May 2018).

Along with the submitted HDC application, a Sign permit has been submitted for the subject sign. See attachment. Proposed signs require the submittal of a Sign permit pursuant to City of Battle Creek Chapter 1296 *Signs*. Staff has reviewed the Sign permit and determined that the proposed sign's size, location, and design complies with Chapter 1296 *Signs*.

Applicable HDC Guidelines and Analysis for a Certificate of Appropriateness to install a new sign at 25 West Michigan Avenue.

This property is reviewed in accordance with City of Battle Creek Building and Housing Code Chapter 1470 "Historic Preservation", as amended, the Michigan's Local Historic Districts Act, as amended, and the criteria for the National Register of Historic Places as outlined in the Secretary of the Interior's Standards and Guidelines.

Specifically, the Commission shall follow Section 1470.09 *Review of Applications*, as follows:

- (b) *The Commission shall also consider all of the following:*
- (1) *The historic or architectural value and significance of the resource and its relationship to the historic value of the surrounding area.*
 - (2) *The relationship of any architectural features of the resource to the rest of the resource and the surrounding area.*
 - (3) *The general compatibility of the design, arrangement, texture, and materials proposed to be used.*
 - (4) *Other factors, such as aesthetic value that the Commission finds relevant.*
- (c) *The Historic District Commission shall review and act upon only exterior features of a resource and shall not review and act upon interior arrangements...*

And

1470.17 PRESERVATION OF HISTORIC FEATURES.

- (a) *Every reasonable effort shall be made to provide a compatible use for a resource which requires minimal alteration of the building, structure or site and its environment, or to use the resource for its originally intended purpose.*

As noted earlier, the proposed sign will be mounted to the canopy fascia and result no alteration of the rest of the building, structure, or property.

- (b) *The distinguishing original qualities or character of a resource and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features shall be avoided when possible.*

No historic material or distinct architectural features of the building will be removed or altered with the proposed sign.

- (c) *All resources shall be recognized as products of their own time. Alterations that have no historic basis and which seek to create an earlier appearance shall be discouraged.*

No alterations to the building resulting in earlier appearance will result from the proposed sign.

- (d) *Changes which may have taken place in the course of time are evidence of the history and development of a resource and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.*

This criteria is not relevant to the project.

- (e) ***Distinctive stylistic features or examples of skilled craftsmanship which characterize a resource shall be treated with sensitivity.***

The features and craftsmanship of the building will not be negatively impacted by the project because the sign will be installed with sensitivity and not require any modifications to the building or its historic features.

- (f) ***Deteriorated architectural features shall be repaired rather than replaced wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historic, physical or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other resources.***

This criteria is not relevant because the proposal does not entail any repairs or replacements.

- (g) ***The surface cleaning of resources shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic materials shall not be undertaken.***

Intensive cleaning application such as sand blasting will not be necessary for the project.

- (h) ***Every reasonable effort shall be made to protect and preserve archaeological resources affected by or adjacent to any project.***

This criteria is not relevant because no underground work is necessary for the project.

- (i) ***Contemporary design for alterations and additions to existing resources shall not be discouraged when such alterations and additions do not destroy significant historic, architectural or cultural material and when such design is compatible with the size, scale, color, material and character of the property, neighborhood or environment.***

The proposed signs will not alter nor create an addition to the building.

- (j) ***Whenever possible, new additions or alterations to resources shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the resource would not be unimpaired.***

The proposed sign could be removed in the future without negatively affecting the essential form or integrity of the building.

Recommendation

The proposed sign will prominently display the name of the building on the canopy fascia. With staff's analysis of the application, the proposed sign complies with standards outlined in Chapter 1470 *Historic Preservation* and should be approved. As contained herein, staff is not aware of any issues that the Commission might find in conflict with Chapter 1470 *Historic Preservation*, the Michigan Local Historic Districts Act or the Secretary of the Interior's Standards and Guidelines.

Therefore, planning staff recommends approval of a Certificate of Appropriateness of one new sign for 25 West Michigan Avenue, as the request meets the standards outlined in Chapter 1470.09 "Review of Applications", Chapter 1470.17 "Preservation of Historic Features" and the Secretary of the Interior's Standards and Guidelines, as outlined in the staff report.



City of Battle Creek

Department of Planning and Community Development
10 N. Division Street, Ste. 117 • Battle Creek, Michigan 49014
Phone: (269) 966-3320 • www.battlecreekmi.gov

HISTORIC DISTRICT COMMISSION

Application for:

- Certificate of Appropriateness (for repairs or rehab projects)
- Notice to Proceed (for demolition requests)
- Minor Class of Work (admin approval)

Petition No. _____

Date Received: _____

APPLICANT**

NAME: Valley City Sign

ADDRESS: 5009 West River Dr Comstock Park, MI 49321

PHONE: (616) 785-5713 FAX: (616) 784-8280

EMAIL: skerr@valleycitysign.com

OWNER (if different from applicant)

NAME: 25 Michigan Holdings LLC

ADDRESS: 25 W Michigan Ave - Battle Creek, MI 49017

PHONE: _____ FAX: _____

EMAIL: _____

****If the applicant is not the property owner, a letter signed by the owner agreeing to the application to the Historic District Commission must be included with the application.**

SUBMITTAL REQUIREMENTS/EXISTING CONDITIONS

Address(es) of property for which the request is being sought: 25 W Michigan Ave

Current use of the property: Mixed Use

List existing structures on the property and the approximate age of each. _____

The Milton Building

Please list all activities/proposed work for the property area and how the proposed work relates to the building as a whole.

Wall sign at 27.7 sq ft in area mounted to the facia of the canopy

over the main entrance to the building. The sign will feature

back-lit illumination.

Indicate in which manner the proposed work will result in changes to the size and/or appearance of the features outlined in this application.

The proposed wall sign will be contained upon a new canopy over the main entry to the building.

Does the work proposed include maintenance/repair of existing features of the structure, or will it create new features that do not currently exist?

The proposed signage will be a new feature which does not currently exist.

Please indicate the existing building materials of the following structural features and the proposed materials if that feature is included as part of the application.

	Existing Materials	Proposed Materials (if applicable)
Roof	_____	_____
Windows	_____	_____
Siding	_____	_____
Foundation	_____	_____
Other _____	_____	_____

For Notice To Proceed requests only:

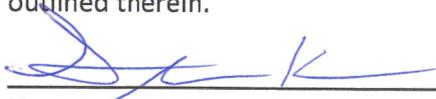
What options have you explored for the repair or relocation of the structure proposed for demolition?

SUBMITTAL REQUIREMENTS

As outlined in "HDC, Information and Procedure", each request requires supplementary items that thoroughly describe the existing structure and proposed project. These items are to be submitted with the completed application; incomplete applications will not be forwarded to the Historic District Commission.

APPLICANT SIGNATURE

By signing this application, the applicant hereby declares that all answers given herein are true to the best of their knowledge, and confirms that all information required for Historic District Commission review has been submitted. Furthermore, the applicant confirms that they have thoroughly read the "Historic District Commission, Information and Procedures" and agrees to comply with all requirements and procedures outlined therein.


Name _____

11/20/19
Date _____

SIGN PERMIT APPLICATION

CLEAR FORM **PRINT FORM**

Leroy Township
8156 4 Mile Road
East Leroy, MI 49051
Ph: 269-979-9421
Fax: 269-979-2775

Area Metropolitan Services Agency

Please make your check payable to and send it to, the appropriate jurisdiction noted.

Please mark box for appropriate jurisdiction.

Bedford Township
115 S Uldriks Drive
Battle Creek, MI 49017
Ph: 269-965-9096
Fax: 269-965-0908

Convis Township
19500 15 Mile Road
Marshall, MI 49068
Ph: 269-789-0654
Fax: 269-789-0657

Emmett Township
621 Cliff Street
Battle Creek, MI 49014
Ph: 269-968-0335
Fax: 269-968-0108

Newton Township
7988 G Drive South
Ceresco, MI 49033
Ph: 269-979-3212
Fax: 269-979-4470

Pennfield Township
20260 Capital Ave NE
Battle Creek, MI 49017
Ph: 269-968-4422
Fax: 269-968-2021

City of Battle Creek
10 N Division St, Ste 117
Battle Creek, MI 49014
Ph: 269-966-3382
Fax: 269-966-3654

City of Springfield
601 Avenue A
Springfield, MI 49015
Ph: 269-441-9273
Fax: 269-965-0114

Administrative Section:

Cash

Check # _____ Receipt # _____ Inspector Approval _____ Issued Permit # _____

Zoning Administrator Approval _____ Date _____

I. JOB LOCATION

NAME OF BUSINESS AND BUSINESS OWNER The Milton	HAS AN ELECTRICAL PERMIT BEEN OBTAINED FOR THIS PROJECT? <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
STREET ADDRESS & JOB LOCATION (STREET NO. & NAME) 25 W Michigan Ave	ZONING CLASSIFICATION C-7
JOB SITE TELEPHONE	CELL NUMBER
	FAX
NUMBER OF EXISTING SIGNS 0	TOTAL SQUARE FOOTAGE OF EXISTING SIGNS 0

II. SIGN CONTRACTOR (if applicable)

NAME Valley City Sign	ADDRESS 5009 West River Dr	CITY/STATE Comstock Park, MI	ZIP 49321
PHONE NUMBER (616) 785-5713	FAX NUMBER (616) 784-8280	E-MAIL ADDRESS skerr@valleycitysign.com	

III. ELECTRICAL CONTRACTOR (if applicable)

NAME Valley City Sign	ADDRESS	CITY/STATE	ZIP
PHONE NUMBER	FAX NUMBER	E-MAIL ADDRESS	

IV. LOCATION OF SIGN	V. COST OF SIGNS
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<input checked="" type="checkbox"/> On Premise Sign <input type="checkbox"/> Off Premise Sign <i>In Battle Creek, call the Planning Department at 966-3320 before submitting an application for an off premise sign.</i>	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 50%;">Portable/Temporary Sign</th> <th style="width: 50%;">Permanent Sign</th> </tr> </thead> <tbody> <tr> <td>Administration Fee \$25</td> <td>Administration Fee \$50</td> </tr> <tr> <td>Zoning Approval \$15</td> <td>Zoning Approval \$25</td> </tr> <tr> <td>Inspection Fee \$25</td> <td>Inspection Fee (1st \$1,000 of Cost) \$50</td> </tr> <tr> <td>Plan Review (if applicable) \$25</td> <td>Each Addl \$1,000 \$20</td> </tr> <tr> <td></td> <td>Plan Review (if applicable) \$25</td> </tr> <tr> <td style="text-align: right;">Total Fee Paid:</td> <td style="text-align: right;">Total Fee Paid:</td> </tr> </tbody> </table>	Portable/Temporary Sign	Permanent Sign	Administration Fee \$25	Administration Fee \$50	Zoning Approval \$15	Zoning Approval \$25	Inspection Fee \$25	Inspection Fee (1 st \$1,000 of Cost) \$50	Plan Review (if applicable) \$25	Each Addl \$1,000 \$20		Plan Review (if applicable) \$25	Total Fee Paid:	Total Fee Paid:
Portable/Temporary Sign	Permanent Sign														
Administration Fee \$25	Administration Fee \$50														
Zoning Approval \$15	Zoning Approval \$25														
Inspection Fee \$25	Inspection Fee (1 st \$1,000 of Cost) \$50														
Plan Review (if applicable) \$25	Each Addl \$1,000 \$20														
	Plan Review (if applicable) \$25														
Total Fee Paid:	Total Fee Paid:														

VI. SIGN INFORMATION

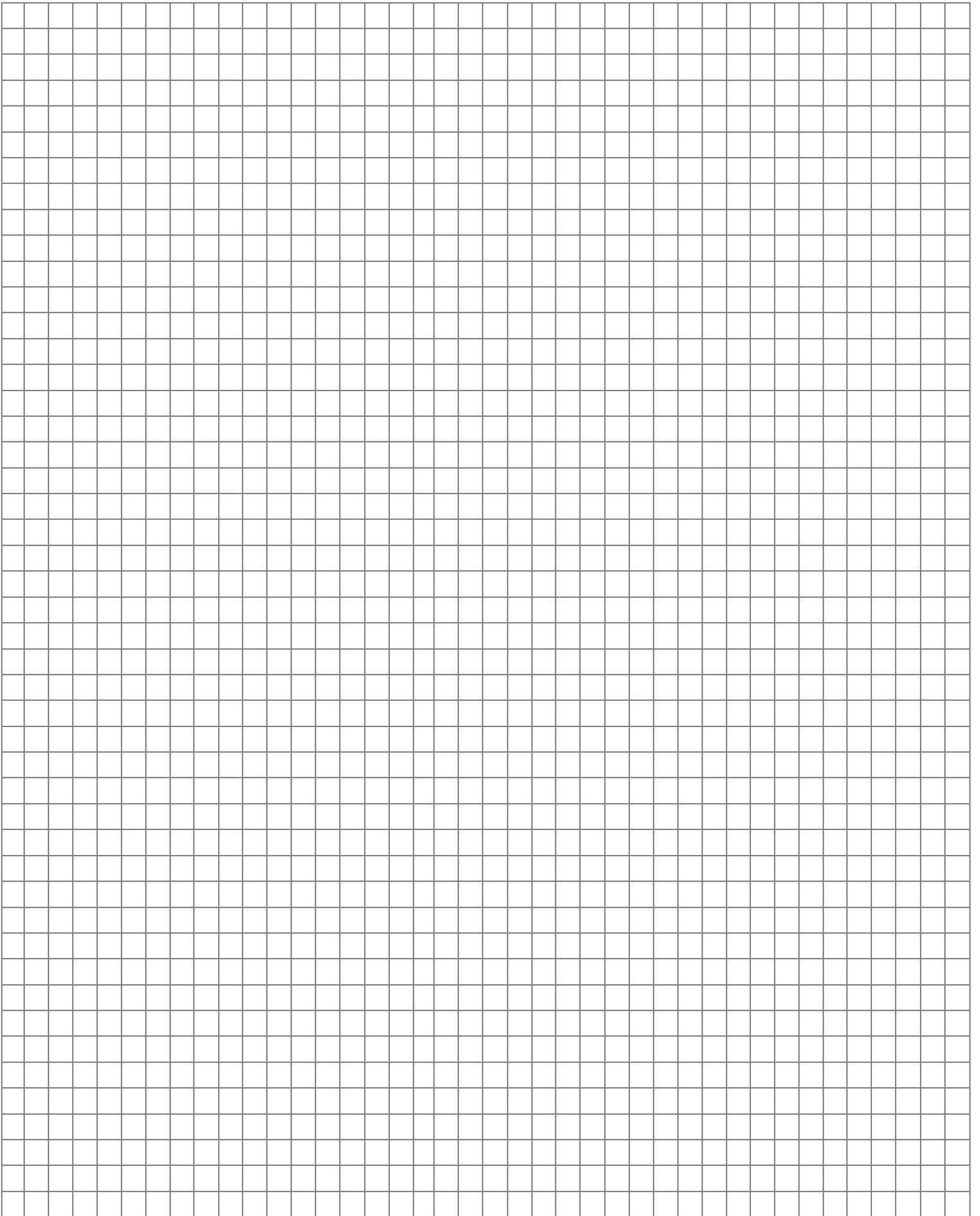
QUANTITY	TYPE OF SIGN (FASCIA, ROOF, POLE, ETC)	TYPE OF MATERIAL	LENGTH		WIDTH		NUMBER OF SIDES	TOTAL DISPLAY AREA	HEIGHT ABOVE STREET	
			FT	IN	FT	IN			FT	IN
1	Fascia	Aluminum	1	9	15	10	1	27.7 SQ FT	8+	

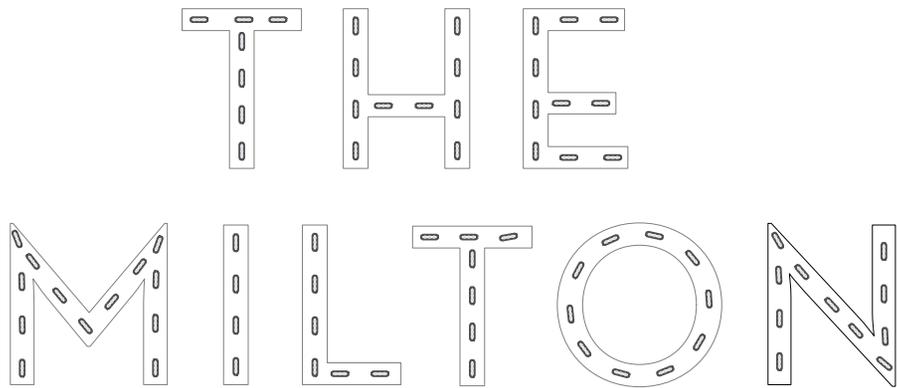
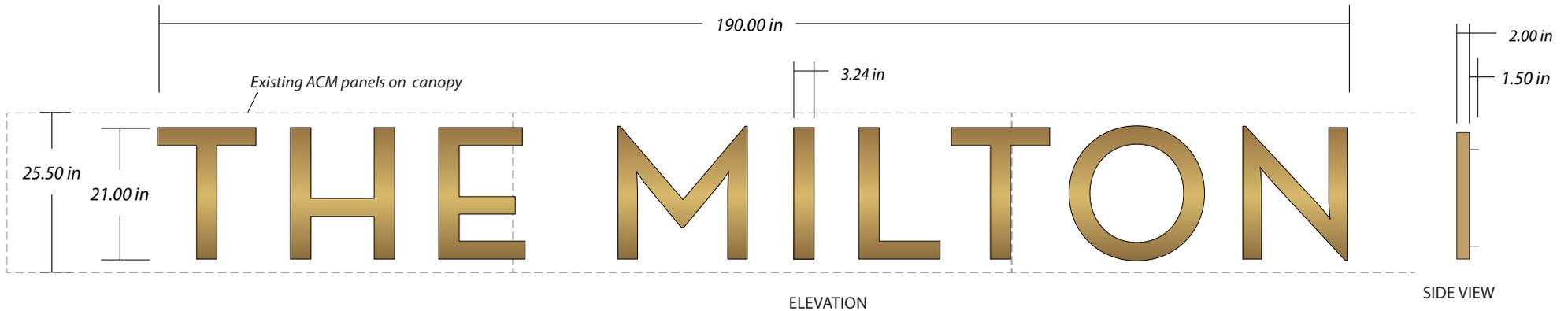
APPLICATIONS MUST INCLUDE CONSTRUCTION DRAWINGS AND SITE PLAN

VII. COMMENTS/DESCRIPTION

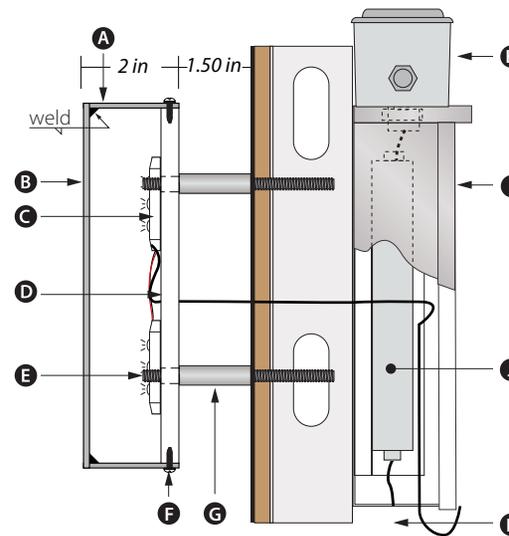
Wall sign mounted to fascia of the canopy over the main entrance.

DRAWING SPACE PROVIDED ON BACK SIDE





Load: 93.6%
 Modules: 78 White WOW 7500K
 Watts: 56.2 of 60.0
 PS: 60watt



HALO-LIT CHANNEL LETTERS:

- A** - .063" Aluminum sidewalls
- B** - .100" Aluminum face
- C** - LED
- D** - .375" Milky White Plex #2447 (Note: plex will be routed w/ holes for tapping #10-24 threaded rod for stand-offs)
- E** - 1/4-20 x 6" alum. threaded rod
- F** - Pan head screw
- G** - 1.50" long Stand-offs
- H** - Electrical box w/locking switch
- I** - Power supply box
- J** - Power supply
- K** - Sleeved electrical cable

ELECTRICAL:

- 120 volt / UL approval
- 78 White WOW LED mods
- 1x - 60w Remote power supply req.
- Electrical box w/locking switch required

INSTALLATION:

- Mount to panelling w/ 1.50" stand-offs

FIELD MEASUREMENT REQUIRED

THE MILTON

27.7 Sq. Ft.



5009 West River Drive | Comstock Park, MI 49321 | Ph 616.784.5711 | Fx 616.784.8280 | www.valleycitysign.com

CUSTOMER SIGNATURE: _____ **DATE:** _____

The designs, details and plans represented herein are the property of Valley City Sign; specifically developed for your personal use in connection with the project being planned for you by Valley City Sign. They are not to be shown to anyone outside of your organization, nor are they to be used, reproduced, exhibited or copied in any fashion whatsoever. All or any part of these designs (except registered trademarks) remain the property of Valley City Sign. Colors represented are being viewed by various web browsers, computer monitors and printers, therefore an exact representation of colors shown cannot be guaranteed via these methods. For true color matching, please request a material sample.

PROPERTY OF VALLEY CITY SIGN

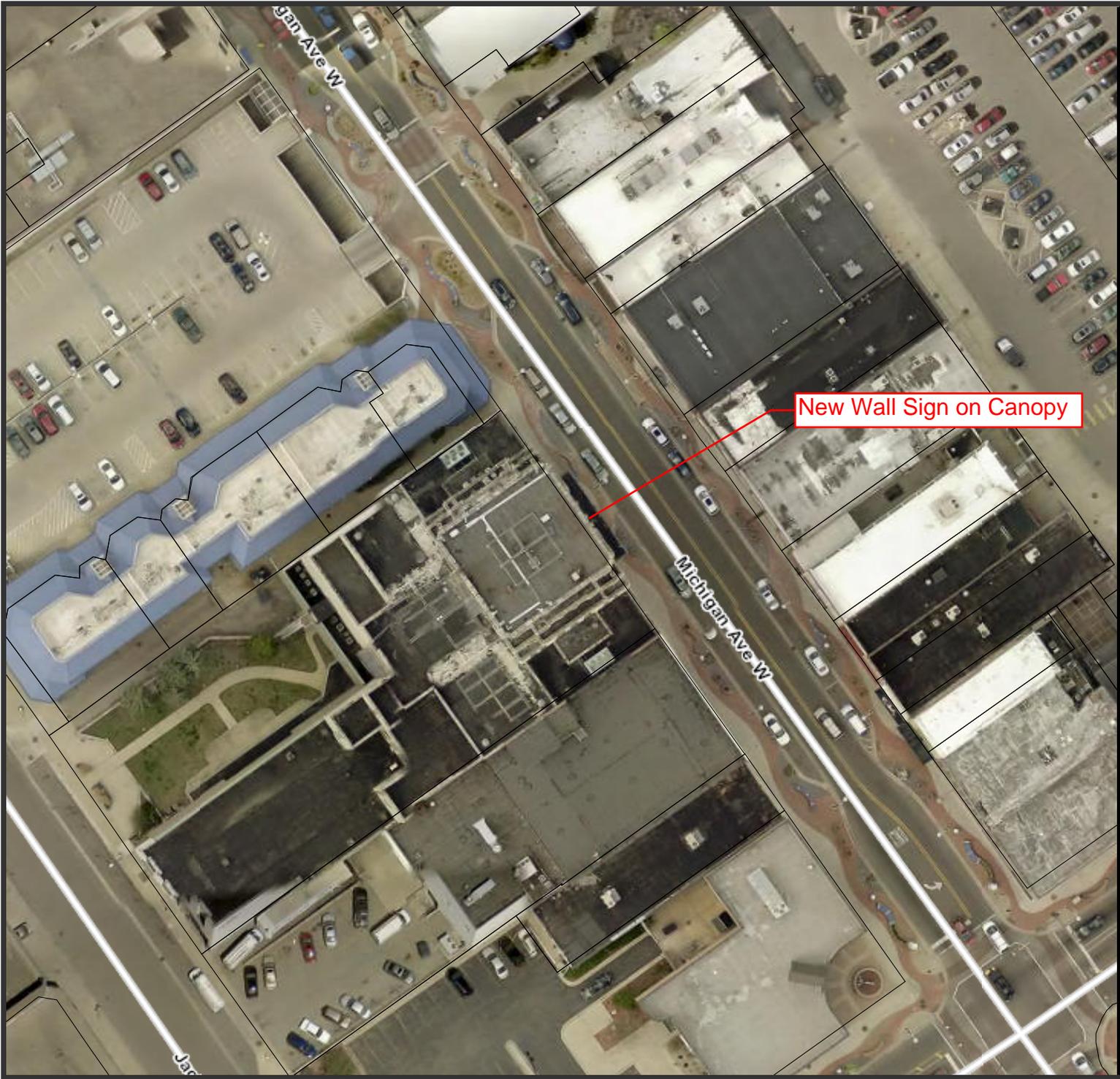


DRAWING #170,587E

SCALE: 1/2" = 1'-0"

ONE (1) SET OF HALO-LIT CHANNEL LETTERS

PROJECT: MDH Development - The Milton	
PHOTOSCAN (S): No	DESIGNER: SV
DATE: 11.18.19	REVISIONS: SV(2), JB(2), BAM
HOURS: 1.0+5+.75+1.25	SALES: MC (KU)



The Milton

25 W Michigan Ave



Map Publication:

11/20/2019 2:54 PM



Disclaimer: This map does not represent a survey or legal document and is provided on an "as is" basis. Calhoun County expresses no warranty for the information displayed on this map document.

Working Location: MDH Development
 25 Michigan Avenue
 The Milton
 Battle Creek MI 49017

MDH Development
 25 Michigan Avenue
 The Milton
 Battle Creek MI 49017

Contact: Dan Harmsen
 Salesperson: Mary Cook
 Date: 11/13/2019

It is VALLEY CITY SIGN's pleasure to submit this quotation for the following:

Qty	Item Number	Drawing # / Description
1	LETTERS - LED HALO LIT	170587C
		* 21" h aluminum letters with halo-lit lighting
		* Mount to canopy with stand-offs
		* LED lights
		* Paint (1x) color
		* Copy to be "The Milton"
		* Field measurement required
1	INSTALLATION	Drawing not required

NOTES

Permit and Sealed Engineer Drawing costs will be added if applicable.
 Installation costs based upon normal conditions.
 Primary 120 volt wiring and hook up are by your electrician.

Pricing is valid for 90 days from date of quote, unless noted above.
 Message Systems pricing is valid for 30 days from date of quote.

I authorize Valley City Sign to fill out any application necessary to obtain a sign permit for this project.

Working Location: MDH Development
25 Michigan Avenue
The Milton
Battle Creek MI 49017

Quote QTB00037210

MDH Development
25 Michigan Avenue
The Milton
Battle Creek MI 49017

Contact: Dan Harmsen
Salesperson: Mary Cook
Date: 11/13/2019

Qty	Item Number	Drawing # / Description	Unit Price	Extended Price
By signing below, I agree to the attached terms and conditions, or as previously agreed to.				

Name/Title  *Managing Member* Signed By: *Mark Harmsen* Date: *11/12/19*

Purchase Order # (If a purchase order is not required, please enter "N/A")

Valley City Sign _____ 5009 West River Drive, Comstock Park, MI 49321 (616)784-5711 Fax(616)784-8280



Battle Creek Historic District Commission

Staff Report

34 E. Michigan Ave.

Meeting: December 9, 2019

To: Historic District Commission

From: Eric Feldt, Planner, AICP, CFM

Date: December 3, 2019

Subject: The application, filed by the City of Battle Creek, is for a Notice to Proceed for partial demolition of the building at 34 East Michigan Avenue that will comply with zoning and historic district commission requirements.

Summary

Staff recommends the approval of the subject Notice to Proceed because the application meets Chapter 1470.09(e) "Review of Applications." Staff's findings are provided at the end of this memorandum.

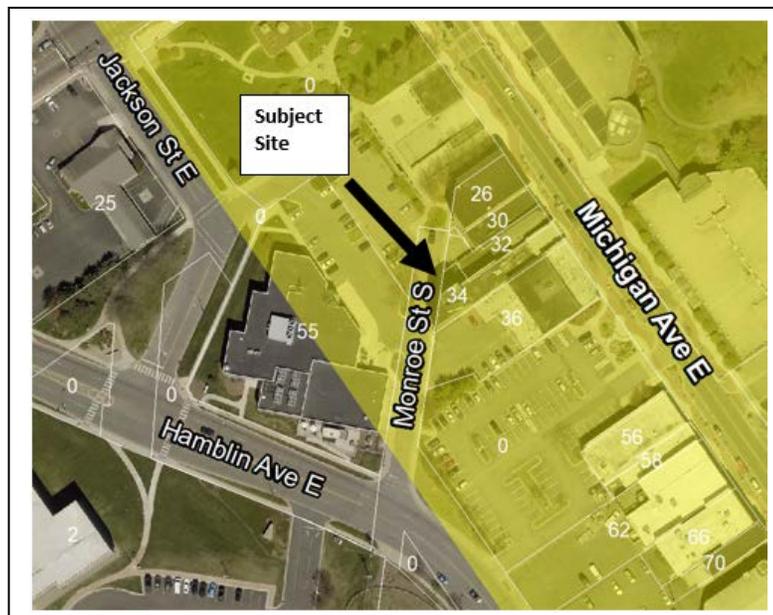


Figure 1. Location map showing subject site. Area in yellow is Central Business District local historic district.

Site & History

The subject building is known as the Binder Building, and is located at 34 E. Michigan Avenue in the local historic Central Business District (CBD). See Figures 1 & 2. This building consists of three sections: front section facing E. Michigan Avenue, middle section, and rear section facing Monroe Street South. According to the City's Assessor's data, the building was built in 1887. A slaughterhouse business occupied the building in its early years, followed by various restaurants. However, the building has been unoccupied during the past 20 years. It is currently used as general storage by the owner. The contents and value of which are unknown to staff. This building is quite long as it stretches from E. Michigan Avenue to S. Monroe Street. The building abuts other buildings along E. Michigan Avenue, and is surrounded by parking lots at the rear. The building varies in height, with three stories along E. Michigan Avenue (front) and six stories along S. Monroe Street (rear). The rear portion is known as the tower and is shaped as tall flat iron, making it one of the more unique buildings in the area.



Figure 2: Arrow points to subject site (34 E. Michigan Avenue) fronting E. Michigan Avenue and S. Monroe Street within the Central Business District local historic district (shading).

Background

In 2018, City Code Officials contacted the property owner about exterior property maintenance issues along the front and rear sections. Later in September of 2019, city staff was notified by a concerned citizen that the subject building was showing signs of exterior deterioration. The severity of deterioration warranted further investigations by city staff who had a local engineer/ architect use a lift to safely observe exterior and interior areas. They concluded that there was extensive cracks, fallen debris, and the collapse of the top two floors. Further, it was determined that the overall structure was in jeopardy of potential collapse. Due to possible imminent danger, the city established a perimeter fence to prohibit access to the building and had the power disconnected from the building. On October

4, 2019, the City Building Official, Richard Bolek, determined that the condition of the building violated the International Property Maintenance Code 2015, and that the building could no longer be occupied (pursuant to City Ord. # 1456). Several signs were posted at the property stating “Imminent Danger. This structure is unsafe and its occupants has been prohibited by the code official.” This Imminent Danger notice is attached.

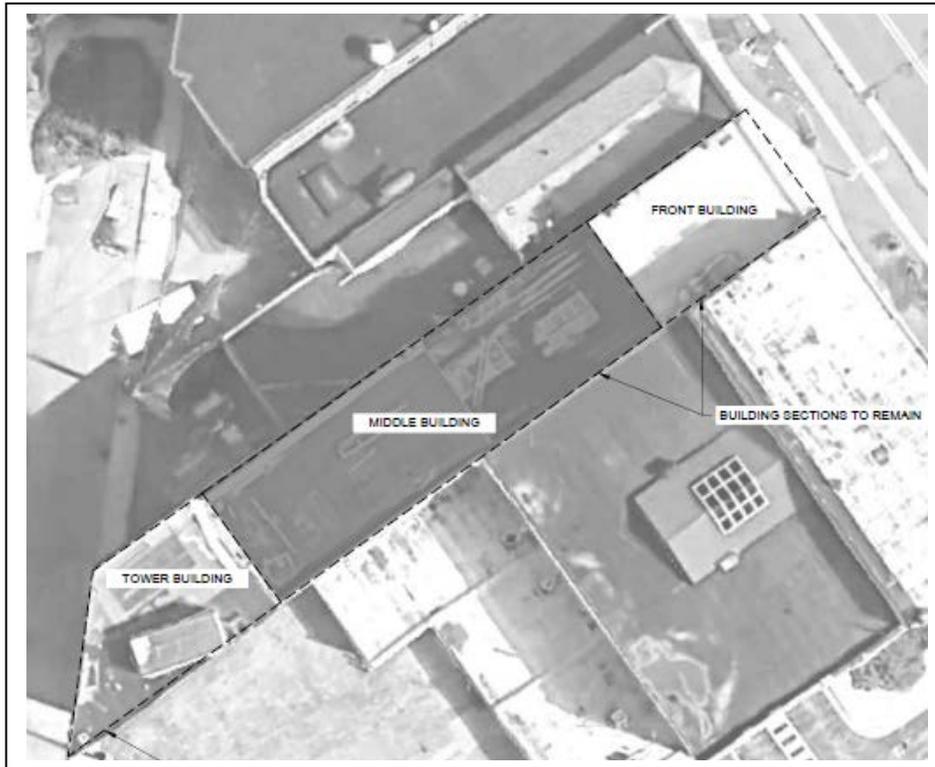


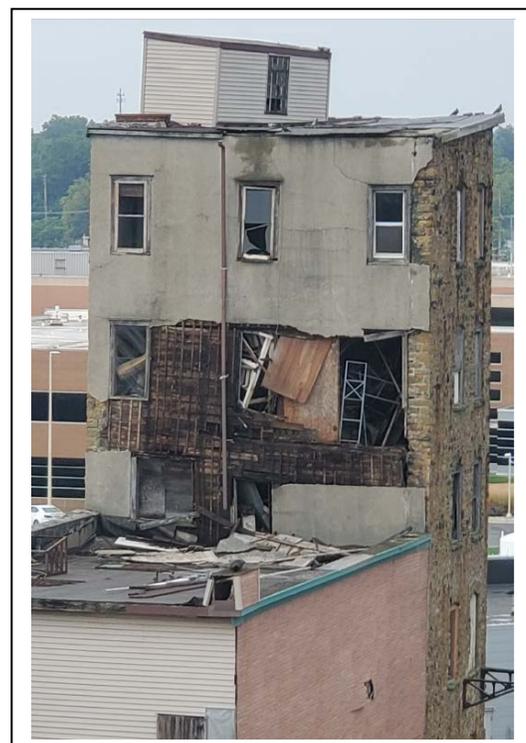
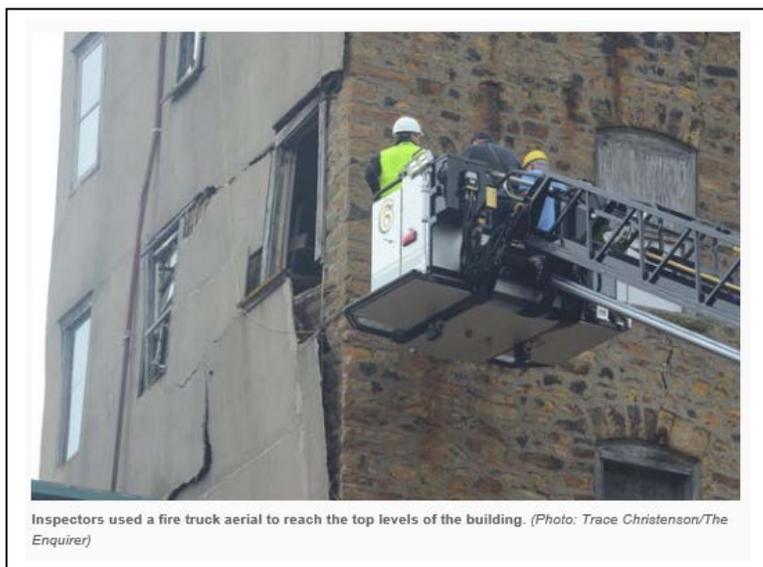
Figure 3. Shows sections of the building: front, middle, and tower (rear).

The sequence of events are noted in a letter dated September 11, 2019 from Mr. Bolek to Bryant DeBolt Trustee (subject property owner). This letter is attached. The letter further states that Mr. DeBolt sought an architect and engineer to assess options to either stabilize, demolish, or partial demolition. In the letter, Mr. Bolek asserted the urgency for Mr. DeBolt to choose an option and take action quickly due to potential building collapse and endanger of surrounding buildings. The letter indicated that the building’s condition would be reviewed by the HDC and later Dangerous Buildings Hearing. HDC review is required because the building is located in the local historic Central Business District. Further the building’s deteriorated condition warranted to staff to present it to the Dangerous Building Hearing.

During a special HDC meeting on September 16, 2019, Mr. DeBolt did not submit a plan of action; therefore, the HDC was only informed of the situation and had no action to vote upon. The September 16, 2019 HDC meeting minutes are attached. The HDC was informed that a proposed action for the building will be presented to the HDC in the near future. The subject HDC Notice to Proceed contains a plan of action for the HDC to now vote on.

During a special Dangerous Buildings Hearing on October 21, 2019, the City Building Inspector (Don Wilkinson) provided new information about the building’s worsened condition: the collapse of the 3rd

floor which now places additional pressure on lower floors and weight load. The roof lost more structural support with the collapsed 3rd floor. Large openings in the building are allowing more weather elements inside the building. The north wall is compromised and partially collapsed onto a lower roof section. Portions of adjacent buildings and parking areas were still unusable due to possible building collapse. In its current condition, Mr. Wilkinson recommended affirming the property as a Dangerous Building. “Mr. DeBolt states that his intent is to repair the building as best he can due to its historical nature, and would like the city to assist him an (and) saving it.” Mr. Bolek and Mr. Wilkinson expressed their concerns about the severe condition of the building, the stability needed for any repairs, and requiring engineered plans for any repairs and stabilization. Mr. DeBolt indicated that he would like to start work soon. The hearing concluded with the property deemed a Dangerous Building, and that Mr. DeBolt had 30 days to bring the building into compliance (with the International Property Maintenance Code 2015). The Dangerous Buildings Hearing minutes are attached. Thirty days concluded on November 20, 2019. As of the date of the subject memorandum, compliance has not been obtained.



Figures 4 & 5. (Left) Photograph showing the use of a lift truck in September to safely view various building conditions. Picture provided by Trace Christenson obtained from the Battle Creek Enquirer. (Right) Picture taken September 16, 2019 showing the buckling of the outer material of the back elevation near S. Monroe Street.

Summary of Request

On November 20, 2019, Ross Smith (Engineer and Associate Principle with Wiss, Janney, Elstner Associates Inc.) who is familiar with the building, emailed Mr. DeBolt of two options to address the building’s failing condition: 1) stabilize the tower building for a future unidentified use; or 2) full demotion of the tower building and stabilization of middle section. This email is attached. Mr. Smith

indicates that his team has not conducted a detailed construction analysis for these two options but the listed amounts are based on their knowledge of the building. The first option is expected to cost approximately \$3,000,000 to \$5,000,000 for stabilizing the tower building for future use. This work would consist of extensive perimeter scaffolding, long-term crane use, and many other safety requirements. Mr. Smith states “Frankly, the current state of the structure would make this very challenging. Further, the extensive amount of contents within the building complicates every step of this process for either option.” The second option would consist of full demotion of the tower building portion and stabilization of middle section, and cost approximately \$600,000 - \$850,000. Mr. Smith notes that additional costs may be incurred due to more detail drawings and analysis, debris removal, hazardous materials, etc.

At request by the City, an engineer’s drawing of a proposed demolition has been submitted pursuant to option two discussed above. This is demolition plan is attached. In summary, the proposal consists of removing the entire portion of the tower building (rear section) and constructing a new structural wall on the western portion of middle section. Demolition of the tower building will occur from top elevations to grade level through the use of a crane. Adjacent rooftops will be provided flat rigid insulation and plywood in the case of debris fall. All utilities will be disconnected from tower building. The demolition methodology shall comply with the 2015 Michigan Rehabilitation Code for Existing Buildings. As a result of the demolition, the property will comply with International Property Maintenance Code 2015.

Generally, demolition of a structure will not comply with the standards outlined in the Secretary of Interior’s Standards and Guidelines. And a demolition by not correcting building code and general building maintenance is likely considered a ‘demolition by neglect.’ See this term below.

1470.11 DEMOLITION BY NEGLECT

Upon a finding by the Historic District Commission that an historic resource within an Building Inspection Department Historic District or proposed Historic District is threatened with demolition by neglect, the Commission may require the owner of the resource to repair all conditions contributing to demolition by neglect. If the owner does not make repairs within a reasonable time, the Commission or its agents may enter the property and make such repairs as are necessary to prevent demolition by neglect. The cost of the work shall be charged to the owner and may be levied by the City as a special assessment against the property. The commission or its agents may enter the property for purposes of this section upon obtaining an order from the Circuit Court.

As stated earlier, the building has been vacant for a number of years and maintenance has been deferred to the point of building collapse. The owner has not voluntarily addressed the building’s condition. Without taking immediate corrective action, the subject building could collapse and threaten the safety of neighboring buildings and the general public. The owner has passed the 30-day deadline issued at the 10-21-19 Dangerous Building Hearing to take corrective action. Therefore, the City of Battle Creek filed the subject HDC Notice to Proceed to take corrective action through Ch. 1470.11 *Demolition by Neglect*. The subject Notice to Proceed for demolition (option two discussed earlier) would satisfy the outstanding building code violations (International Property Maintenance Code 2015) and ensure the safety of the neighboring buildings and general public.

Applicable HDC Guidelines and Analysis for a Notice to Proceed to demolish the building located at 34 East Michigan Avenue.

This property is reviewed in accordance with City of Battle Creek Building and Housing Code Chapter 1470 "Historic Preservation", as amended, the Michigan's Local Historic Districts Act, as amended, and the criteria for the National Register of Historic Places as outlined in the Secretary of the Interior's Standards and Guidelines.

If the standards outlined in the Secretary of Interior's Standards and Guidelines cannot be met, the State Act and local ordinance (Ch 1470.09(e)) states that a notice to proceed **shall** be issued if any **one** of the following criteria is met:

(e) Work within a 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 Historic District Commission to be necessary to substantially improve or correct any of the following conditions:

(1) The resource constitutes a hazard to the safety of the public or to the structures and occupants.

As stated earlier, the City of Battle Creek determined that the tower section of the building cannot be occupied because it's structural instability, imminent danger of collapse, and has been declared a 'Dangerous Building.' Structural instability will worsen and affect the adjoining buildings, if left unaddressed. Therefore, the tower section of the building constitutes a hazard to the safety of the public.

This criterion is met.

(2) 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 and financing and environmental clearances.

As of staff's knowledge, there is no major improvement program currently planned in the area around the subject building.

This criterion is not met.

(3) Retaining the resource will cause undue financial hardship to the owner when a governmental action, an act of God or other event 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.

The current condition of the tower building is the result of owner's control of deferring building maintenance and repairs. Due to the extent of deferring building maintenance and repairs, expensive undertakings will be needed to take corrective measures. Retaining the building and selling it, is an highly unlikely successful endeavor considering the current state of condition and high costs of demolition or repair. Retaining the building through relocation, is not feasible due to the structure instability.

This criterion is met.

(4) ***Retaining the resource is not in the interests of the majority of the community.***

Retaining a unique, historic building may likely be in the interest of the community. However, the building's current condition and history of deferred maintenance has the potential to harm adjacent buildings if further structural conditions decline and costlier repairs are needed to reinstate a new business. Therefore, retaining the resource is not in the interest of the majority of the community.

This criterion is met.

Criterion (e)(1), (3), and (4) are met.

Recommendation for Notice to Proceed

The City of Battle Creek submitted an application for a Notice to Proceed to demolish the tower section (rear portion) of the tower building section and stabilization of the middle building section of the site at 34 W. Michigan Avenue. Demolition has been chosen as meeting Ch 1470.09(e).

Staff recommends the HDC approve the subject Notice to Proceed to the City of Battle Creek for the demolition of the tower building portion and stabilization of the middle building section at 34 East Michigan Avenue, if the Commission finds that the application meets Chapter 1470.09(e) "Review of Applications".



City of Battle Creek

Department of Planning and Community Development
10 N. Division Street, Ste. 117 • Battle Creek, Michigan 49014
Phone: (269) 966-3320 • www.battlecreekmi.gov

HISTORIC DISTRICT COMMISSION

Application for:

- Certificate of Appropriateness (for repairs or rehab projects)
 Notice to Proceed (for demolition requests)
 Minor Class of Work (admin approval)

Petition No. _____

Date Received: _____

APPLICANT**

NAME: City of Battle Creek
ADDRESS: 10 n Division st Battle Creek MI 49014
PHONE: 269-966-3382 FAX: _____
EMAIL: Inspection@BattleCreekMI.Gov

OWNER (if different from applicant)

NAME: Bryant C DeBolt SR
ADDRESS: 918 Capitol Ave S.W. Battle Creek MI 49015-3839
PHONE: 269-274-9024 FAX: _____
EMAIL: deboltc@gmail.com

**If the applicant is not the property owner, a letter signed by the owner agreeing to the application to the Historic District Commission must be included with the application.

SUBMITTAL REQUIREMENTS/EXISTING CONDITIONS

Address(es) of property for which the request is being sought: 34 E Michigan Battle Creek

Current use of the property: Storage

List existing structures on the property and the approximate age of each. _____

3 Story Structure Fronting Michigan Ave Connected to the 6 Story Portion in question

Please list all activities/proposed work for the property area and how the proposed work relates to the building as a whole.

The upper 3 Floors Have Collapsed the north wall Has detached from Structure a Portion falling on lower Section The Building is currently in a State of Failure Requiring a Completed Demo

Indicate in which manner the proposed work will result in changes to the size and/or appearance of the features outlined in this application.

The Removal of the tower Portion of the Building

Does the work proposed include maintenance/repair of existing features of the structure, or will it create new features that do not currently exist?

a new Exterior wall will need to be Created for the Remaining Structure

Please indicate the existing building materials of the following structural features and the proposed materials if that feature is included as part of the application.

	Existing Materials	Proposed Materials (if applicable)
Roof	<u>OSb / Builtup</u>	
Windows	<u>wood Double Hung</u>	
Siding	<u>Stone / wood Frame/Siding</u>	
Foundation	<u>Stone</u>	
Other		

For Notice To Proceed requests only:

What options have you explored for the repair or relocation of the structure proposed for demolition?

Consulted with WSE Engineers to Evaluate the options.
with Demo Being the option that Provides Safety at the Appropriate Costs
To the city

SUBMITTAL REQUIREMENTS

As outlined in "HDC, Information and Procedure", each request requires supplementary items that thoroughly describe the existing structure and proposed project. These items are to be submitted with the completed application; incomplete applications will not be forwarded to the Historic District Commission.

APPLICANT SIGNATURE

By signing this application, the applicant hereby declares that all answers given herein are true to the best of their knowledge, and confirms that all information required for Historic District Commission review has been submitted. Furthermore, the applicant confirms that they have thoroughly read the "Historic District Commission, Information and Procedures" and agrees to comply with all requirements and procedures outlined therein.

M. Alette
Name

11/26/19
Date

HISTORIC DISTRICT COMMISSION
MEETING MINUTES
September 16, 2019
4:00 P.M.

CALL TO ORDER:

Interim Chairperson Charlie Fulbright called the meeting to order at 4:01 p.m.

ATTENDANCE:

Members Present:

Charlie Fulbright	Kim Tuck
Cody Newman	Ross Simpson
Mike Troutman	John Paul Wilson

Members Absent:

Kaytee Faris	Jim Hopkins
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Staff Present:

Marcel Stoezel, City Attorney
Christine Zuzga, AICP, Planning Manager
Glenn Perian, Senior Planner
Eric Feldt, Planner
Michele K. Jayakar, Customer Service Rep., Planning Dept.

ADDITIONS / DELETIONS TO AGENDA: None.

APPROVAL OF PREVIOUS MINUTES:

MOTION MADE BY MR. KIM TUCK TO APPROVE THE MINUTES FOR THE AUGUST 21, 2019 HISTORIC DISTRICT COMMISSION MEETING, SECONDED BY MR. CODY NEWMAN. ALL IN FAVOR; NONE OPPOSED; MINUTES APPROVED

CORRESPONDENCE: None

OLD BUSINESS: None

NEW BUSINESS:

- A. H-08-19, City Hall Building, 10 N. Division St.: Request to approve the submittal of a Certified Local Government grant application to SHPO for repairs to City Hall pediments**

Staff Presentation: Planning Manager Christine Zuzga presented the staff report

HDC Discussion:

Planning staff recommends approval of a request to approve the submittal of a Certified Local Government grant application to SHPO (State Historic Preservation Office) for repairs to the City Hall pediments, as outlined in the staff report.

MOTION MADE BY MR. KIM TUCK AND SECONDED BY MR. ROSS SIMPSON TO APPROVE A REQUEST FOR CITY COMMISSION TO APPROVE THE SUBMITTAL OF A CERTIFIED LOCAL GOVERNMENT GRANT APPLICATION TO SHPO (STATE HISTORIC PRESERVATION OFFICE) FOR

REPAIRS TO THE CITY HALL PEDIMENTS. VOTE ON MOTION: ALL IN FAVOR; NONE OPPOSED; MOTION CARRIED.

B. H-09-19, 34 E. Michigan Avenue, discussion on building repairs.

Staff Presentation: Presentation given by Eric Feldt.

Mr. Richard Bolek, Chief Building Inspector, gave a presentation. He presented photos of the building at 34 E. Michigan showing cracks inside, the building full of debris, the openness of the roof and rot behind walls that have fallen and the open roof has caused rot into the structural beams.

Mr. Blair Bates, Restoration Inc., gave a presentation about the condition of the building. Stating that he cannot find a structural engineer available to give an estimate. Stating that the building can be saved and that it needs to be stabilized. The building is made out of stone, it's heavy and it doesn't want to move. He also states that Restoration Inc. is unable to do the work because they are booked up past the holidays.

Applicant Presentation: Mr. Bryant Debolt, I don't know what to do. Tell me what to do.

Mr. Richard Bolek, Chief Building Inspector, responded to Mr. Debolt stating, we have given you as much information as possible. We hope the building will be repaired. Formulate a plan on how to at least get the building stable.

Mr. Blair Bates, Restoration Inc., It is dangerous work, not just because of the amount of stuff from the homeowner but the floors were made of concrete back then.

Mr. Richard Bolek, Chief Building Inspector, the risk is too great.

Mr. Bryant Debolt, In 1988-1989 I bought that building and I was promised a liquor license. When I didn't get it I decided I don't need to do business with the City. I am 80 years old, I need some support.

After some discussion of the open roof, **HDC Commissioner Newman** states, I'd prefer for the water not to pond up there. It's better to go down through and onto the stuff.

Mr. Richard Bolek, Chief Building Inspector, There are 3 options 1: Demo, 2: Full stabilization or 3: Remove the top three floors and rehab. The decision will come down to finances. The decision is the owners'.

Mr. Ted Dearing, City Manager's office, states the concern is the health, safety and welfare of citizens.

With no others wishing to speak, Mr. Charlie Fulbright closed the public hearing.

PUBLIC COMMENTS: None

COMMENTS FROM COMMISSION MEMBERS AND STAFF:

ADJOURNMENT:

Interim Chairperson Charlie Fulbright adjourned the meeting at 4:59 P.M.

Submitted by: Michele K. Jayakar, Customer Service Rep., Planning Department

DRAFT



CITY OF BATTLE CREEK
10 N. Division Street, Room 117
Battle Creek, MI 49014 269.966.3382

IMMINENT DANGER

10/04/2019

DEBOLT TRUST, BRYANT C SR
918 CAPITAL AVE SW
BATTLE CREEK, MI 49015-3839

Re: 34 E MICHIGAN AVE

Parcel: 0258-00-036-0

The City of Battle Creek Community Services Department works with residents and businesses throughout the city to improve and maintain property conditions, eliminating blight that can negatively impact overall conditions and perceptions of the community.

In order to best protect the health, safety and welfare of the residential and commercial structures throughout the city, it's important that property improvements adhere to requirements set forth by State Codes.

An inspection was conducted on 09/27/2019 identified the following violations of the International Property Maintenance Code 2015, related to the referenced property:

STRUCTURAL FAILURE CREATING UNSAFE CONDITIONS OF THE STRUCTURE.

Michigan International Property Maintenance Code 2015

109.1 Imminent danger. When, in the opinion of the *code official*, there is *imminent danger* of failure or collapse of a building or structure that endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building *occupants* or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the *code official* is hereby authorized and empowered to order and require the *occupants* to vacate the *premises* forthwith. The *code official* shall cause to be posted at each entrance to such structure a notice reading as follows: "This *Structure Is Unsafe and Its Occupancy Has Been Prohibited by the Code Official.*" It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

108.1 General. When a structure or equipment is found by the *code official* to be unsafe, or when a structure is found unfit for human *occupancy*, or is found unlawful, such structure shall be *condemned* pursuant to the provisions of this code.

108.1.1 Unsafe structures. An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the *occupants* of the structure by not providing minimum safeguards to protect or warn *occupants* in the event of fire, or because such structure contains

108.5 Prohibited occupancy. Any occupied structure condemned and placarded by the *code official* shall be vacated as ordered by the *code official*. Any person who shall occupy a placarded *premises* or shall operate placarded equipment, and any *owner*, owner's authorized agent or person responsible for the *premises* who shall let anyone occupy a placarded *premises* or operate placarded equipment shall be liable for the penalties provided by this code.

106.3 Prosecution of violation. Any person failing to comply with a notice of violation or order served in accordance with Section 107 shall be deemed guilty of a misdemeanor or civil infraction as determined by the local municipality, and the violation shall be deemed a *strict liability offense*. If the notice of violation is not complied with, the *code official* shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful *occupancy* of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction on such *premises* shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

107.6 Transfer of ownership. It shall be unlawful for the *owner* of any *dwelling unit* or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such *dwelling unit* or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such *owner* or the owner's authorized agent shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the *code official* and shall furnish to the *code official* a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

Please note, no vacant or abandoned structure (City Ordinance 1456) shall be reoccupied until inspected and found to be in full compliance with all applicable City Codes and a Certificate of Occupancy is issued by the City. Entry into this property is strictly prohibited unless written authorization is issued by the City.

Respectfully,

Richard Bolek
Chief Building Official, City of Battle Creek
269.966.3382

Fw: 34 E. Michigan

Richard E. Bolek

Fri 11/22/2019 2:47 PM

To: Christine M. Zuzga <CMZuzga@battlecreekmi.gov>; Eric S. Feldt <esfeldt@battlecreekmi.gov> 1 attachments (43 KB)

RE: 34 E. Michigan - Battle Creek;

FYI

From: Smith, Ross <RSmith@wje.com>
Sent: Wednesday, November 20, 2019 2:44 PM
To: deboltbc@gmail.com <deboltbc@gmail.com>
Cc: Richard E. Bolek <rebolek@battlecreekmi.gov>
Subject: 34 E. Michigan

Email sent from outside of the City of Battle Creek. Use caution before clicking links/attachments.

Good afternoon Mr. DeBolt,

Thank you for accepting my call today which I extended as requested by Mr. Bolek with the City of Battle Creek. My intent was to answer any questions you might have and relay my opinions on options moving forward. Thank you also for giving me more insight on the historic significance of the structure. As I mentioned, our firm deals with restoration and historic buildings in many instances, and we are always interested in preservation when feasible. My opinions expressed below are based on my experience, my concerns over safety (both yours and the public), and my gathered estimates regarding feasible options. As I mentioned on the phone, this opinion was previously provided to the City as well.

Regarding the tower portion of 34 E. Michigan which has suffered several iterations of progressive collapse of the past several weeks or months, please refer to our previous email for a general discussion of stabilization vs. demo (attached). Regarding costs, we have not conducted a detailed construction estimate, but we have conferred generally with a demolition and restoration contractor to establish some order-of-magnitude costs. Based on what we know so far, for the recommended demolition of the tower and stabilization of the middle building, we would estimate a cost of \$600k to \$850k. If we were to try to stabilize the existing tower and put it back into service, we would estimate a cost of \$3M to \$5M. This is due to the need for extensive perimeter scaffolding, long term crane usage, and many other safety requirements. Frankly, the current state of the structure would make this very challenging. Further, the extensive amount of contents within the building complicates every step of this process for either option. These estimates do not include significant design or engineering oversight costs. These estimates also assume that given the safety challenges of the building, no hazardous materials assessments or abatement will be conducted. This may impact disposal costs for the debris which could also increase costs.

As we uncover more information and open more areas, these costs are subject to change, but these are order-of-magnitude projections based on what we know thus far. I hope this is helpful as you continue to make decisions toward the best outcomes for all involved.

Thanks again for our discussion today. If you have additional questions, my contact information is below.

Regards,
Ross

Ross J. Smith, PE, LEED AP BD+C, CDT

Associate Principal

Wiss, Janney, Elstner Associates Inc.

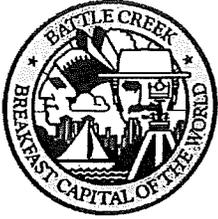
Engineers | Architects | Materials Scientists

41 Washington Avenue, Suite 315

Grand Haven, MI 49417

Ph: 616-401-2228 | Fx: 248-593-8532

rsmith@wje.com



CITY OF BATTLE CREEK COMMUNITY SERVICES – INSPECTIONS

September 11, 2019

DEBOLT TRUSTEE, BRYANT C
JACOBS TRUSTEE, JULYETTE
918 CAPITAL AVE SW
BATTLE CREEK, MI 49015-3839

Re: 34 E. Michigan Avenue, Battle Creek MI 49014

Dear Mr. Debolt,

The City of Battle Creek has been working diligently to assess and minimize the community impact of the hazardous condition of your above referenced property. This letter is to inform you of the actions that have taken place to date and the next steps that will be taken to work with you in bringing your property into compliance with State code requirements.

On Friday, September 6, the City of Battle Creek received concern from a member of the community that the structure was showing visible signs of deterioration. In response to the concern, City staff from the Inspections Division and Fire Department responded to make an assessment. Upon initial exterior assessment the structure showed signs of exterior deterioration (extensive cracks, fallen façade debris). The City utilized a lift to safely view the interior conditions from outside the structure and made contact with a local architect (Cody Newman) and structural engineer (Ralph Wharry) for their professional assessment.

The determination was that the top two floors of the structure had in fact collapsed on the interior putting the integrity of the overall structure in jeopardy of potential collapse. At that time, a collapse zone perimeter was established and businesses and vehicles within the zone were ordered to vacate.

That afternoon, Mr. Newman contacted Building Restoration Inc. on your behalf to request their services to establish what options you have including stabilization of the building and not demolish it, or do a partial demolition if required and the estimated costs associated.

In order to limit the risk of potential electrical danger, Consumers Energy shut down the three phase power at the property. (Which in turn eliminated power to all neighboring properties within the block)

It is our understanding that you are awaiting professional assessment of the property to include all possible options and estimates to bring the property into compliance. We appreciate in advance your urgency and commitment in taking responsibility to do so. **It is the expectation that you will provide the City an update by end of the day Friday, September 13 as to your preliminary plan of action and timeline.**

The following are necessary actions that the City will be taking:

- City staff will be presenting the situation and potential options to achieve compliance to the Historic District Commission (HDC). The HDC is the local authority that ensures compliance of the adopted preservation standards. Enclosed is a copy of local ordinance Chapter 1470 Historic Preservation.

A special HDC meeting has been tentatively scheduled for Monday, September 16, at 4:00 pm, City Commission Chambers (City Hall, 3rd floor). We will contact you by end of the day Thursday to confirm. We request that you attend to discuss your plans to achieve compliance and the timeframe for doing so. This shall include immediate stabilization and restoration that may include either partial or full demolition.

1470.11 DEMOLITION BY NEGLIGENCE.

Upon a finding by the Historic District Commission that an historic resource within a Building Inspection Department Historic District or proposed Historic District is threatened with demolition by neglect, the Commission may require the owner of the resource to repair all conditions contributing to demolition by neglect. If the owner does not make repairs within a reasonable time, the Commission or its agents may enter the property and make such repairs as are necessary to prevent demolition by neglect. The cost of the work shall be charged to the owner and may be levied by the City as a special assessment against the property. The commission or its agents may enter the property for purposes of this section upon obtaining an order from the Circuit Court.

- Due to the emergency situation, the City will proceed with placing this property in the dangerous buildings process. **You will be provided written notification of the Dangerous Buildings Hearing date, time and location.**

Due to the seriousness of the situation and the impact that it has on surrounding buildings, the City has a responsibility to the public to take necessary measures to rectify the situation and assess costs associated to you as the owner. As outlined above, if you decide to not move forward with making repairs, the City has the authority to take action.

The City takes great pride in our historic downtown and appreciates your efforts to preserve this structure to its' original state. Throughout this process it will be important that we work closely together. Please do not hesitate to contact me to discuss project updates, acquire information or to ask questions.

Regards,



Richard Bolek
Chief Building Official
rbolek@batatlecreekmi.gov
269.966.3382

**DANGEROUS BUILDINGS
SPECIAL HEARING MINUTES**

October 21, 2019

1:00 P.M.

CITY HALL

**10 N. DIVISION STREET
COMMISSION CHAMBERS
3RD FLOOR – ROOM 301
BATTLE CREEK MI 49014**

1. **Call to Order:** 1:01 pm
2. **Roll Call:** Carman Hamilton
3. **Staff Members Present:** Don Wilkinson, Building Official; Richard Bolek, Chief Building Official; Angela Hubbard, Secretary
4. **Additions/Deletions to the Agenda:** N/A
5. **Approval of Minutes:** Mr. Hamilton approved the minutes from the October 9, 2019 meeting.
Approved
6. **New Business:**
 - a. 34 Michigan Ave E (Commercial Building)
Issue #EN19-09070
Building Inspector: Don Wilkinson
Property owner, Bryant DeBolt, present. Mr. Wilkinson stated the building sustained a partial structural collapse. The building had the top 3 of 6 floors collapse onto the floors below, creating an enormous amount of weight being placed on the lower floors now attempting to hold the load. The roof has lost its structural support due to the load bearing posts collapsing with the floors. A portion of the upper roof is open/collapsed exposing the interior to the elements. The North wall is compromised and has collapsed onto a lower roof section, creating additional weight on the lower roof. The open North wall exposes the building interior and contents to the elements. The exterior stone walls have cracks, causing them to become unstable. The structure is loaded with an overabundance of storage, creating additional loading of the collapsed floors. The collapsed floors, open roof, unstable walls, and

overloading has created a safety hazard of the neighboring buildings, parking areas, and roadway. Roadways and parking areas have been closed for safety. Portions of the neighboring structures are currently unusable due to the potential for collapse. Owners have limited access to their buildings due to imminent danger of this structure. There is also concern that an uncontrolled collapse may cause damage to neighboring structures, creating a safety threat to people and property next to the structure. Collapse is imminent, and this is a disruption to the area in general. In its current condition, Mr. Wilkinson recommended affirming the property as a Dangerous Building. Mr. DeBolt stated that his intent is to repair the building as best he can due to its historical nature, and would like the city to assist him in saving it. Mr. DeBolt brought in a handwritten list of items he'd like to do now, as he's trying to weather proof the structure. Mr. Wilkinson stated the structure needs to be repaired and saved from collapse, and that plans designed by an architect or licensed engineer must be provided. Mr. DeBolt asked if he could bring in a dumpster to clean out the collapsed materials and repair the roof. Mr. Bolek explained that the roof cannot sustain any additional loads. Mr. Wilkinson stated that he must stabilize the floors below it before any work can be done, and reiterated that the building is unsafe for anyone to work on or enter. Plans must be submitted by an architect or licensed engineer that include bracing, to prevent further collapse from the bottom up before any work can be done. Mr. DeBolt stated he will hire an architect if that's what is required. Mr. Bolek stated that Mr. Ross is already familiar with the situation, and will give Mr. DeBolt his contact information if he'd like. When Mr. Wilkinson asked for a timeline, Mr. DeBolt thought he could start this week. Again, Mr. Wilkinson stated that a report and plans are needed before any work can safely be done. Mr. Hamilton affirmed the property as a Dangerous Building and granted thirty days to bring it into compliance. Affirmed.

7. Public Comments: none

8. Board and Staff Members Comments: none

9. Adjournment: 1:14pm

The City of Battle Creek will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audiotapes of printed materials being considered in the meeting upon reasonable notice to the City of Battle Creek. Individuals with disabilities requiring auxiliary aids or services should contact the City of Battle Creek by writing or calling the following:

Vicki Houser, City Clerk
10 N. Division Street
Battle Creek, Michigan 49014
(269) 966-3348/Voice/TDD

/adh

Plotted: 10/25/2019 8:40 AM by Jibber, Derek File Name: P:\2019\2019_65xct\2019_6706_0 - 34 E. MICHIGAN - BATTLE CREEK - COLLAPSE (RJS) Drawings\2019_6706_0 - 34 E. Michigan Demolition Plans.dwg

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34 East Michigan Avenue Tower Demolition Plan

34 East Michigan Avenue, Battle Creek, Michigan 49017



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 Atlanta | Austin | Boston | Chicago | Cleveland | Dallas | Denver | Detroit
 Honolulu | Houston | Los Angeles | Minneapolis | New Haven | New York
 Philadelphia | Princeton | San Francisco | Seattle | South Florida | Washington, D.C.

Consultants

Project

34 East Michigan Avenue
 Tower Demolition Plan
 34 East Michigan Avenue
 Battle Creek, MI 49017

Client

City of Battle Creek
 10 North Division Street
 Battle Creek, MI 49014

1 10-25-19 OWNER'S REVIEW

Mark Date Description

0 1/2" 1" 2"

THIS SHEET PLOTS FULL SIZE AT 24x36 (INCHES)

Project No. 2019.6706

Date 10/30/2019

Drawn JDB

Checked RJS/BPC

Scale As Noted

General Notes and Building Layout

Sheet Title

Sheet No. **S0.0**

GENERAL NOTES

SCOPE OF WORK

The work to be performed at 34 East Michigan Avenue in Battle Creek, Michigan includes the demolition of the tower portion of the building, the shoring and protection of the middle portion of the building, additional protection of adjacent buildings, and the temporary relocation of power feed and temporary removal of a power pole and light.

This project is being undertaken due to the progressive collapse, in September 2019, of the roof and several subsequent floors of the tower portion of the building. The intent of this project is to demolish the remaining standing portions of the tower building and support the to-be-exposed southwest end of the middle portion.

DESIGN LOADS

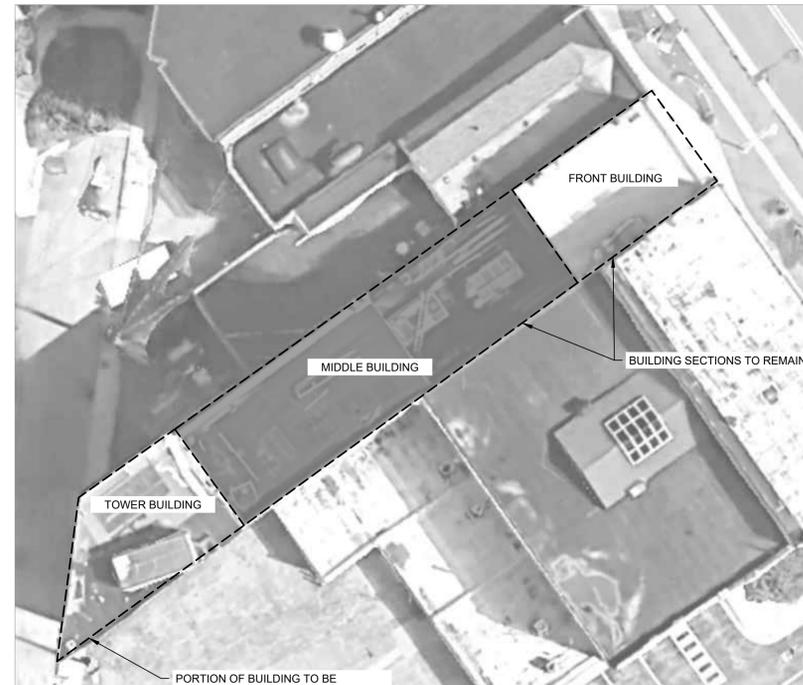
1. Dead Loads (D)
 - a. Roof Dead (Roofing, Deck, Joists) 10 psf ±
2. Snow Loads (S)
 - a. Ground Snow Load: 30 psf
 - b. Flat Roof Snow Load: 19 psf
 - c. Snow Exposure Factor: 0.9
 - d. Thermal Factor: 1.0
 - e. Snow Load Importance Factor 1.0
 - f. Snow Drifts in Accordance with ASCE/SEI 7-10 Section 7.7.
3. Roof Live Load (Lr): 20 psf
4. Wind Loads (W)
 - a. Basic Wind Speed: 115 mph
 - b. Importance Factor: 1.00
 - c. Occupancy Category: II
 - d. Exposure Category: B
 - e. Enclosure Classification: Enclosed

GENERAL NOTES

1. Construction, shoring, or other means of supplemental support shall conform to the requirements contained in the 2015 *Michigan Rehabilitation Code for Existing Buildings* (MRCEB). Because the MRCEB is the selected code for compliance, the 2015 Michigan Building Code (MBC) is only applicable where specifically referenced by the MRCEB and when cited, only apply to the prescribed extent of the reference.
2. The subject building is currently not in operation, though it houses a large volume of contents. As a precautionary measure, no portions of the building should be occupied during demolition. The contractor shall take appropriate measures to protect existing elements to remain during construction including structural framing components, existing building elements, and existing contents which have not been removed or relocated to accommodate shoring or accessibility.
3. The exterior of the building, including the demolition area, potential fall zone, crane site, laydown area, and other space needed to safely conduct demolition of the tower are to be cordoned off by way of barricades, fencing, or other means. Tape and ropes are not acceptable barricades.
4. At Floors 1-3 of the middle portion to remain, remove contents as required to access shoring area and then provide structural support at the to-be-exposed southwest end of building where the tower will be removed.
5. Following additional review and coordination with Engineer, provide semi-permanent infill walls capable of providing required structural capacity for gravity and lateral loads.
6. The Contractor shall verify all existing conditions at the job before starting the work and shall immediately notify Engineer of any discrepancies, omissions, or unanticipated conditions not addressed by the Drawings which may affect the scope of work.
7. Coordinate construction activities and access with the Engineer's requirements.
8. Existing Mechanical, Electrical, and Plumbing elements are not shown and are not explicitly known. Contractor should arrange for necessary de-energization of electrical systems, remove, drainage, and capping of plumbing, disconnection of HVAC systems, etc, to disconnect the tower from the remaining portions of the building. Utility services should be maintained or only temporarily suspended and restored to the remaining portions of the building so as not to cause damaged to the remaining buildings.
9. Hazardous materials - The materials status of the existing building components has not been specifically tested or abated. Due to the volume of building contents, and the state of structural collapse, it is not advised to complete traditional sampling and remediation. Based on age, the contents should be assumed to contain some asbestos-containing materials as well as lead-based paint. Proper dust control measures and disposal methods are required for all of the demolition rubble.
10. Adjacent buildings are to be protected from damage. This includes protection of the exposed roof areas and temporary shoring as needed. Adjacent and nearby surrounding buildings should be monitored for movements prior to, during and following demolition efforts.
11. At exterior, relocation of existing power pole and power feed will be required prior to demolition. Coordinate with utility company and effected neighbors.
12. Do not scale drawings. Details not shown, detailed on drawings, or called for in these notes shall be constructed to same size and character as for similar conditions that are shown, detailed, specified or that exist elsewhere in the building.
13. The contractor shall be responsible for all construction means and methods.
14. Removal of certain structural components is required to implement the work. Contractor shall take necessary precautions to protect the structural members that are to remain in place and the members that will need to be removed for re-installation at a later date (if applicable). The Engineer shall observe all affected members and will determine if any such members are unsuitable for continued use.
15. Do not place or store construction materials or equipment on the structure that may damage finishes and/or overload structural elements.
16. Coordinate and obtain inspections required for the work.
17. All construction shall be performed and the site shall be maintained in accordance with Michigan Occupational Safety & Health Administration (MIOSHA) Construction Safety Standards.

INDEX TO DRAWINGS

Sheet No.	Drawing Title
S0.0	General Notes and Building Layout
S1.0	Floors 1-3 Demolition Plans
S1.1	Floors 4-6 Demolition Plans
S2.0	Demolition Elevations



2 BUILDING LAYOUT
N.S.

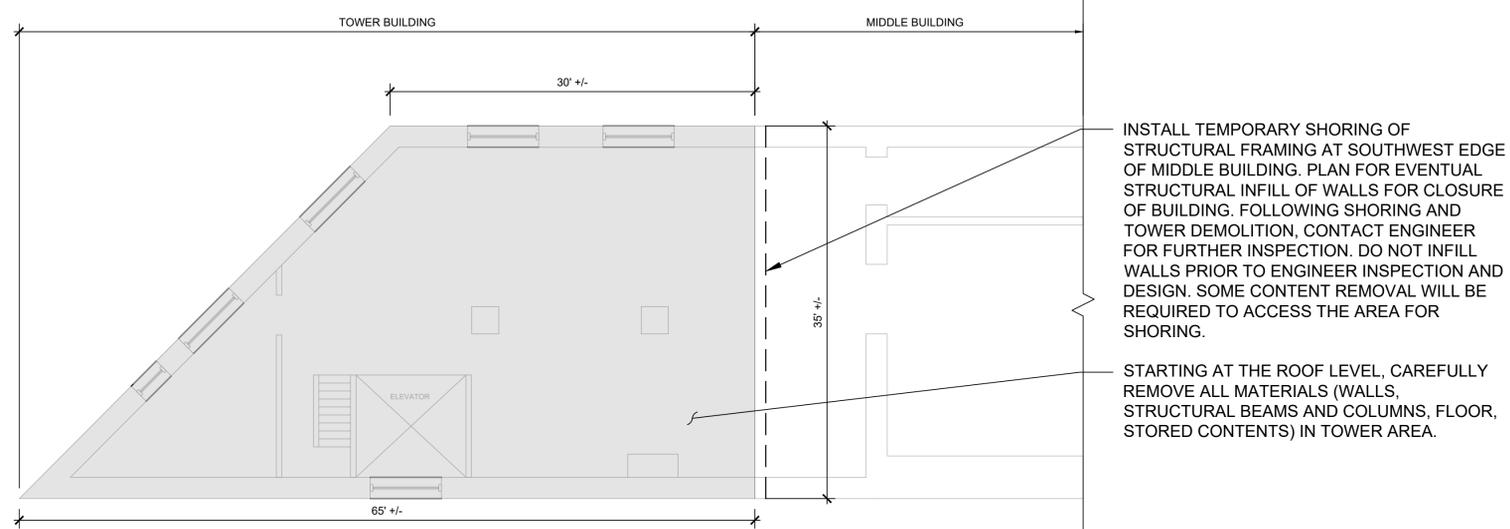


1 SITE LOCATION PLAN
N.S.

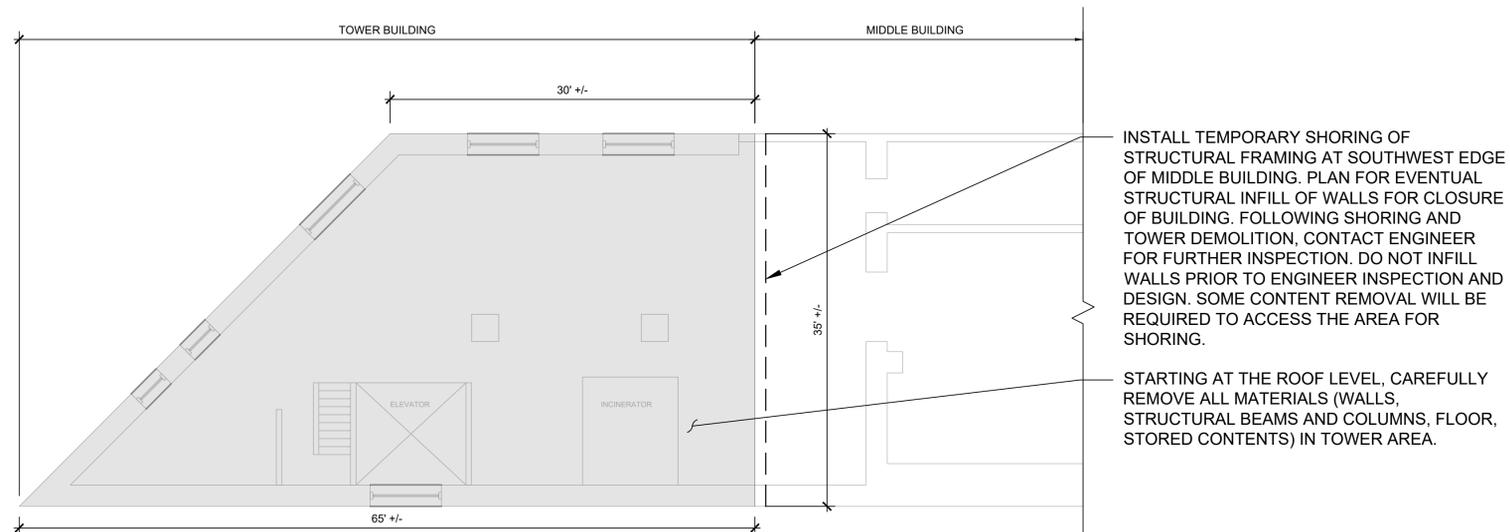
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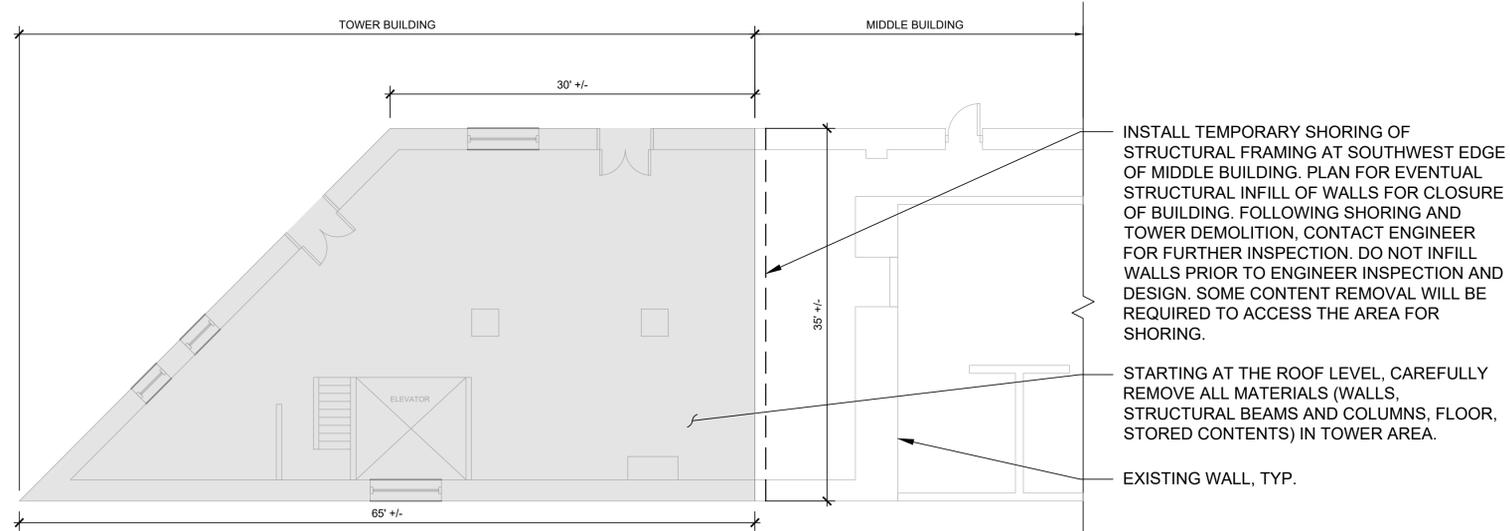
NOTE: FLOOR LAYOUTS AND DIMENSIONS ARE APPROXIMATE AND ARE BASED ON INFORMATION PROVIDED BY OTHERS.



3 THIRD FLOOR DEMOLITION PLAN
N.T.S.



2 SECOND FLOOR DEMOLITION PLAN
N.T.S.



1 FIRST FLOOR DEMOLITION PLAN
N.T.S.

WJE ENGINEERS ARCHITECTS

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Honolulu | Houston | Los Angeles | Minneapolis | New Haven | New York
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Consultants

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Tower Demolition Plan
34 East Michigan Avenue
Battle Creek, MI 49017

Client

City of Battle Creek
10 North Division Street
Battle Creek, MI 49014

Mark	Date	Description
1	10-25-19	OWNER'S REVIEW



Project No.	2019.6706
Date	10/30/2019
Drawn	JDB
Checked	RJS/BPC
Scale	As Noted

Floors 1-3 Demolition Plans

Sheet Title

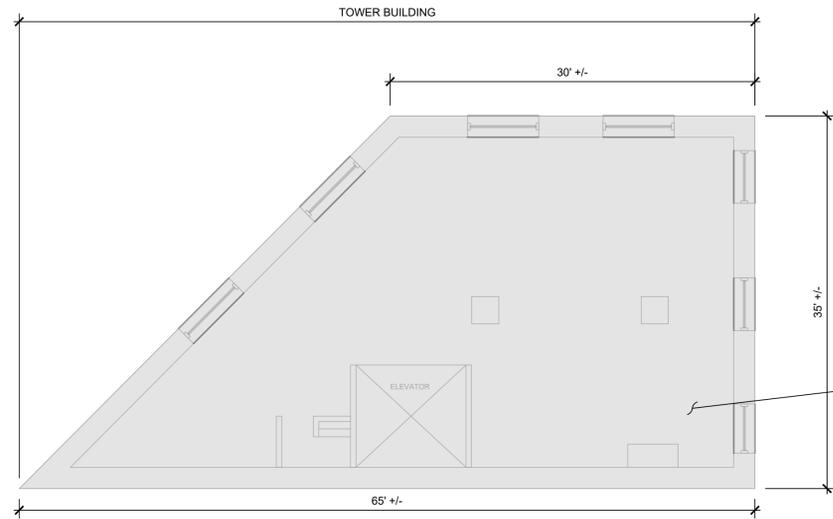
Sheet No.

S1.0

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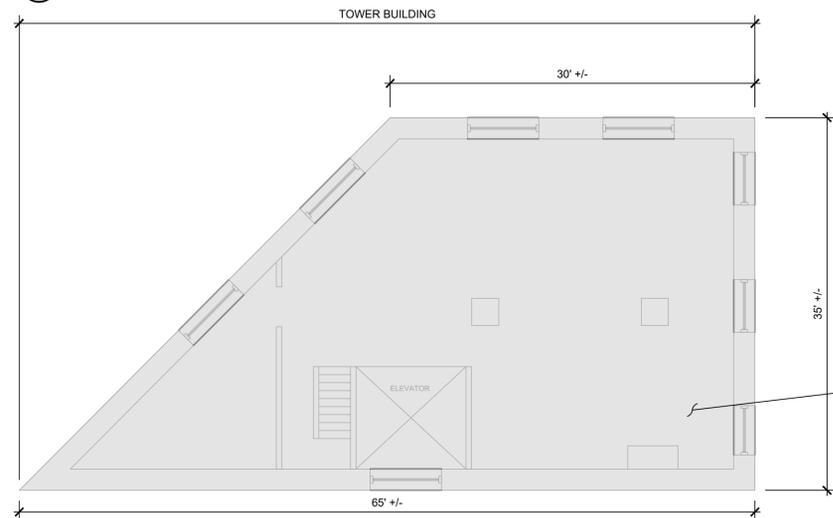
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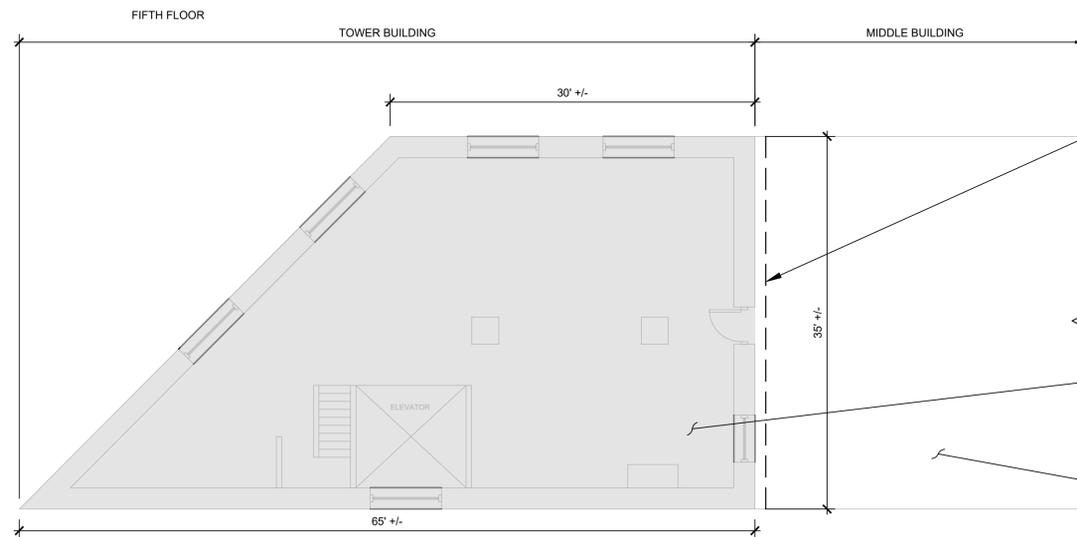
STARTING AT THE ROOF LEVEL, CAREFULLY REMOVE ALL MATERIALS (WALLS, STRUCTURAL BEAMS AND COLUMNS, FLOOR, STORED CONTENTS) IN TOWER AREA.

3 SIXTH FLOOR DEMOLITION PLAN
N.T.S.



STARTING AT THE ROOF LEVEL, CAREFULLY REMOVE ALL MATERIALS (WALLS, STRUCTURAL BEAMS AND COLUMNS, FLOOR, STORED CONTENTS) IN TOWER AREA.

2 FIFTH FLOOR DEMOLITION PLAN
N.T.S.



INSTALL TEMPORARY SHORING BELOW OF STRUCTURAL FRAMING AT SOUTHWEST EDGE OF MIDDLE BUILDING. PLAN FOR EVENTUAL STRUCTURAL INFILL OF WALLS FOR CLOSURE OF BUILDING. FOLLOWING SHORING AND TOWER DEMOLITION, CONTACT ENGINEER FOR FURTHER INSPECTION. DO NOT INFILL WALLS PRIOR TO ENGINEER INSPECTION AND DESIGN. SOME CONTENT REMOVAL WILL BE REQUIRED TO ACCESS THE AREA FOR SHORING.

STARTING AT THE ROOF LEVEL, CAREFULLY REMOVE ALL MATERIALS (WALLS, STRUCTURAL BEAMS AND COLUMNS, FLOOR, STORED CONTENTS) IN TOWER AREA.

PROVIDE RIGID PROTECTION (5/8IN. PLYWOOD OVER 2IN RIGID INSULATION, OVER COMPATIBLE SACRIFICIAL MEMBRANE) OVER ADJACENT ROOF AREAS

1 FOURTH FLOOR DEMOLITION PLAN
N.T.S.

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Project No. 2019.6706

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Drawn JDB

Checked RJS/BPC

Scale As Noted

Floors 4-6 Demolition
Plans

Sheet Title

Sheet No.

S1.1



CITY OF BATTLE CREEK
PLANNING AND ZONING DIVISION

Historic District Commission

2020 Meeting Dates & Deadline Calendars

(Meetings are held on the 2nd Monday of each month, 4:00 P.M. at
10 N. Division, Room 301, Commission Chambers, City Hall)

<u>Meeting Date</u>	<u>Deadline for Applications</u>
January 13, 2020	December 27, 2019
February 10, 2020	January 24, 2020
March 9, 2020	February 21, 2020
April 13, 2020	March 27, 2020
May 11, 2020	April 24, 2020
June 8, 2020	May 22, 2020
July 13, 2020	June 26, 2020
August 10, 2020	July 24, 2020
September 14, 2020	August 28, 2020
October 12, 2020	September 25, 2020
November 9, 2020	October 23, 2020
December 14, 2020	November 27, 2020

*Note: November has no conflict this year. (Historic District Commission voted in favor to move meeting date.)