



CITY OF BATTLE CREEK
COMMUNITY SERVICES DEPARTMENT – PLANNING and ZONING

Historic District Commission Meeting

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

Monday, April 8, 2019

Time: 4:00 P.M.

AGENDA

1. **Call to Order:**
2. **Attendance:**
3. **Additions or Deletions to Agenda:**
4. **Approval of minutes:** March 12, 2019
5. **Correspondence:**
6. **Old Business:**
7. **New Business:**
 - A. **Proposed nomination of the building known as the Record box to the National Register of Historic Places.**
 - B. **Add small, temporary accessory buildings to the Historic District Commission “Minor Class of Work” list.**
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)

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

CALL TO ORDER:

Mr. Jim Hopkins, called the meeting to order at 4:00 p.m.

ATTENDANCE:

Members Present:

Charlie Fulbright	Kim Tuck
Jim Hopkins	Cody Newman
Mike Troutman	
John Paul Wilson	Kaytee Faris

Staff Present:

Christine Zuzga, Planning Manager
Glenn Perian, Senior Planner
Eric Feldt, Planner
Michele K. Jayakar, Customer Service Rep., Planning Dept.

ADDITIONS / DELETIONS TO AGENDA:

APPROVAL OF PREVIOUS MINUTES:

MOTION MADE BY MR. JIM HOPKINS TO APPROVE THE MINUTES FOR THE JANUARY 14, 2019 HISTORIC DISTRICT COMMISSION MEETING, SECONDED BY MR. CODY NEWMAN. ALL IN FAVOR; NONE OPPOSED; MINUTES APPROVED

CORRESPONDENCE: None

OLD BUSINESS: None

NEW BUSINESS:

WORKSHOP DISCUSSION WITH HOLLANDER DEVELOPMENT CORPORATION TO DISCUSS REDEVELOPMENT OF 85-89 W. MICHIGAN AVE. MATT HOLLENDER GAVE PRESENTATION.

PUBLIC COMMENTS: None

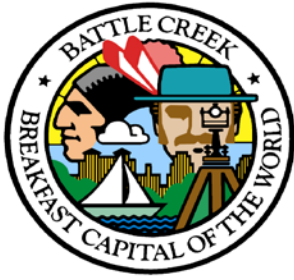
COMMENTS FROM COMMISSION MEMBERS AND STAFF:

- Jim Hopkins welcomed Michele Jayakar.

ADJOURNMENT:

Mr. Jim Hopkins, Chairman adjourned the meeting at 4:45 P.M.

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



Battle Creek Historic District Commission

Staff Report

15 Carlyle Street

Meeting: April 8, 2019

To: Historic District Commission

From: Eric Feldt, Planner, AICP, CFM

Date: March 29, 2019

Subject: Proposed nomination of the building known as the Record Box to the National Register of Historic Places.

Summary

Staff recommends approval of nomination because it meets the qualifiers required for listing a building on the National Register of Historic Places.

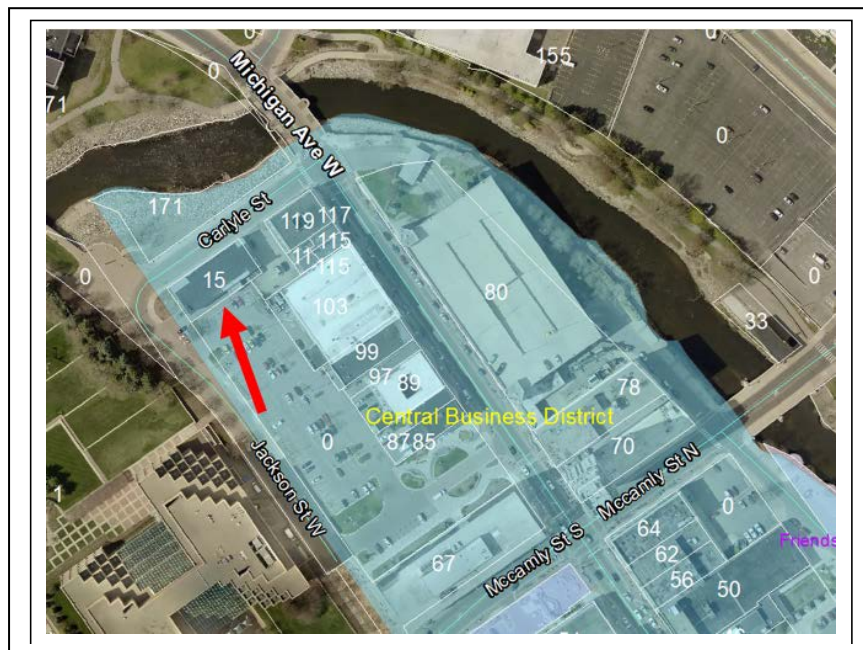


Figure 1: Arrow points to subject site (32 W. Michigan Ave.) on the north side of W. Michigan Avenue between McCamly St. & Capital Ave. in the Central Business District local Historic district (yellow shading).

Site & History

The subject building (15 Carlyle Street) is located in the Central Business District local historic district (See Figure 1 above). According to the applicant's research of the building, 13,150 square foot brick building was built in 1902. Further, "The building was constructed as the manufacturing and office building for the Record Printing and Box Company, a producer of packaging for Battle Creek's numerous cereal companies in the early twentieth century and the only independent producer of cereal cartons in the City."

In 1907, the building reopened as the W.H. Eldred's Wholesale Saddlery and Harness Company from 1907-1921 making horse equipment and related goods. During that time, the Alsteel Manufacturing Company which created the "Macomber Double Acting Paper Baler" also operated in the subject building from 1907-1921 and later becoming the principle occupant until 1952.

After 1952, the building was used as a warehouse and sales office for Hermann Typewriter Service's later changed to Officeways. Sometime later, the building became vacant and was later acquired by Battle Creek Unlimited (BCU) in 2003. Several development proposals for the building were proposed but never came to fruition. The building has been unoccupied since 2001.

Most recently, the applicant (same as owner) of the subject HDC application purchased the property for future development of a brewery/ restaurant, multi-use office space, and reception hall. The applicant gained HDC approval in late 2018 for exterior improvements (permit no. V18-51). Also, the applicant received issued Building permits for all interior improvements (permit no's. PBC18-167 & PE19-135).

Summary of Request

The applicant submitted a completed National Register of Historic Places Registration Form which provides detailed information about the building, past uses, and describes its context in the downtown and Battle Creek area. The applicant also submitted a Certified Local Government (CLG) National Register Nomination Review Report for the City to complete based on the HDC's decision of whether or not they find that the building meets the qualifiers of a building to be listed on the National Register of Historic Places. These qualifiers consists of: 1) significance, 2) age, and 3) integrity. Each of these are addressed below.

1) National Register criteria of significance

The criteria of significance shown below are also noted on page nine of the National Register of Historic Places Registration Form. The applicant finds criterion (A) & (C) are met.

- A. Property is associated with events that have made a significant contribution to the broad patterns of our history.
- B. Property is associate with the lives of person significant in our past.
- C. Property embodies the distinctive characteristics of a type, period, or method of construction or represents the work of a master, or possess high artistic values, or represents a significant and distinguishable entity whose components lack individual distinction.

D. Property has yielded, or is likely to yield, information important in prehistory or history.

Staff also finds criterion A & C to be met after reviewing the submitted National Register of Historic Places Registration Form because the use of the building played a role in Battle Creek's significant cereal manufacturing industry, which to this day, the city still bears the name 'Cereal City'.

2) National Register of age

According to the National Park Service which oversees the National Register of Historic Place, the building's age must be at least 50 years old. Based on the applicant's submittal, the building was constructed in 1902. Therefore, the building is 117 years old, and thus, meets the age qualifier.

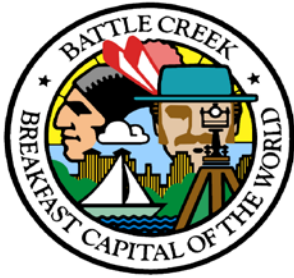
3) National Register of integrity

According to the National Park Service which oversees the National Register of Historic Place, to meet the integrity qualifier the building should look much the way it did in the past? The applicant submitted historic pictures of the building as what it looked like in the past. There is very little change between what is shown in the pictures and today. Also, future changes to the exterior are minor, and will not result in any significant change from what existed in the past.

City staff finds that the applicant's narrative in the National Register of Historic Places Registration Form meets the qualifiers required for listing a building on the National Register of Historic Places.

Recommendation

Based on the submitted narrative, staff recommends the HDC support this nomination of the Record Box building for the National Register of Historic Places.



Battle Creek Historic District Commission

Staff Report

Meeting: April 8, 2019

To: Historic District Commission

From: Eric Feldt, Planner, AICP, CFM

Date: April 1, 2019

Subject: Proposal to add new small accessory buildings without permanent foundations to the Minor Class of Work when located in local historic districts pursuant to Ch. 1470 *Historic Preservation*.

Proposal

To include small (199 square or smaller), accessory detached buildings that do not have attachments to permanent foundations to the Minor Class of Work. If approved, the permitting process for those proposing such buildings would be shorter while still maintaining historic preservation.

Background

On December 9, 2018, staff provided a memorandum (dated 12/8/18) to the Historic District Commission (HDC) on the topic of adding small accessory, detached temporary buildings to the HDC Minor Class of Work list to 1) recognize their possible low-impact to the overall historic property; 2) increase permitting process efficiencies; and 3) recognize that their non-permanency nature can result in easy installation and removal. The HDC was receptive to those main points and recommended staff to further pursue topic.

Further Discussion

The Planning Department has received some inquiries from the public wishing to construct accessory buildings such as sheds or small prefabricated buildings on properties located within local historic districts. Most of these inquiries were in residential neighborhoods; few in commercial areas. Accessory buildings in local historic districts require an HDC- approved Certificate of Appropriateness decided by the HDC at a public hearing, as well as gaining a staff-level approved Zoning or Building permit. The public is sometimes surprised to learn that their proposed small or temporary shed requires an HDC public hearing.

Staff researched the City's records to see how many detached buildings were proposed in the five local historic districts. In the past six years, no HDC applications were filed for new accessory buildings. On the other hand, staff's research found that the filed HDC applications were for projects consisting of new fences, exterior building work, roof replacements, and building demolitions. Therefore, staff posed the question during the December HDC meeting: if there is no data to show of new accessory buildings in local historic districts, how can staff determine if the current permitting process is needed (valuable) or efficient? The HDC had

found that it is worth pursuing options that provide more value or greater efficiency in the permitting processes.

Permitting Processes

Certificate of Appropriateness

Property owner/ developer of a new accessory building of any size must complete an HDC application for a 'Certificate of Appropriateness' pursuant to Ch. 1470.08 & 1470.09. The application must be accompanied by drawings or image of the proposed building and a site location map. Once the application is reviewed by a City Planner and found to be complete, it is scheduled for the next available HDC meeting. Depending on date of submittal of the HDC application, the owner/ developer may have to wait several weeks until the date of the HDC meeting. During the HDC meeting, the application may be approved, approved with conditions, denied, or tabled for more information. If the HDC approves the Certificate of Appropriateness, the owner or installer files a Zoning permit (building is 199 square feet or smaller). Again, this size is the subject of discussion. This permit is reviewed by a Planner and Building Inspector under the Zoning permit process to ensure the building meets yard setbacks and life and safety measures. The owner/ installer can file the Zoning permit at any time but cannot be approved until HDC approval is granted. The Zoning permit review can typically occur within same day as the permit being filed.

All accessory buildings, regardless of size, must be located to the side or rear of the principle structure (often a house), set back three or more feet from side and rear property lines, no taller than 14 feet, and set back at least 10 feet from all buildings. Once the Zoning permit is issued, the accessory building can be built.

Minor Class of Work

There is a shorter permitting process for select development proposal in the local historic districts, the Minor Class of Work. Pursuant to the Michigan's *Local Historic Districts Act* (Public Act 169, adopted 1970), local municipalities were given several legislative powers for historic preservation such as delegating the review of minor classes of work to staff-level departments. Many municipalities do provide a minor class of work provision such as Ann Arbor, Royal Oak, Midland, Manistee, and Kalamazoo. Below is the City of Battle Creek's code citation provide such authority from the HDC to City staff for minor classes of work proposals.

1470.10 DELEGATION OF AUTHORITY.

The Historic District Commission may delegate the issuance of certificates of appropriateness for specified minor classes of work to the Building Inspection Department or Planning and Community Development Department. The Commission shall provide to the delegated authority specific written standards for issuing certificates of appropriateness under this section. On at least a quarterly basis, the Commission shall review the certificates of appropriateness, if any, issued for work by the authorities delegated pursuant to this section to determine whether or not the delegated responsibility should be continued.

The Minor Class of Work is a list of 28 pre-approved work or proposals (see attachment) that can be reviewed and approved by staff, often within 1-2 days. The purpose of these 'pre-

approved' developments is to recognize that certain work results in a neutral impact to the historic nature of the property in question or local historic district. Examples include, direct replacement of windows and roofs, replacement of a historic porch using same design and material, etc. Since these projects are relatively 'pre-approved' they do not need to be reviewed by the HDC during a public hearing. Most proposals in the City's historic districts qualify as Minor Classes of Work, and therefore, the HDC does not review them on a case-by-case basis. Staff notes that if the HDC adds small temporary accessory buildings to the Minor Classes of Work, it would still be reviewing through the Zoning permitting process at staff level.

Adding to or subtracting items from the Minor Class of Work is not explicitly stated in the *Local Historic Districts Act* (Public Act 169, adopted 1970) but is permitted. When such action results, a new ordinance is created to enact the change by City Commission vote.

Discussion

As noted earlier, 'small' buildings are the topic of this memorandum and can be residential or commercial sheds, prefabricated or pre-designed sheds, seasonal carports, etc. These buildings consist of a variety of structural supports (i.e. wood, metal, etc.), and may not need to be connected to a permanent foundation. Those without connections to a permanent foundation is the subject of this discussion. According to the City of Battle Creek Building Official, these small buildings may be built without a permanent foundation by using skids, blocks, poured slab-on grade surface, or other above-grade elements as a foundational element. Prefabricated buildings or pre-cut material are popular and widely marketed for residential and commercial use. These could have a neutral impact to the historic property when designed and located accordingly and, therefore, may be appropriate for qualifying as a minor class of work. However, many of these types of buildings consists of a plastic/vinyl finish with a quite modern or faux historic design and, thus, would not likely be appropriate.

As stated earlier, per 1286.05, accessory buildings on residential properties must be located to the side of a house if no attached garage exist, or behind the house if an attach garage exist. If a modern-design, vinyl sided shed is erected to the side of a historic brick or wood-cladded house, the shed would likely create a negative impact to the house and property overall as viewed from the street. If the shed were located behind the house, instead, its visual impact from the street would be much less. Preserving the street view aesthetics of a historic property is important. If disparate building improvements or future structures are not visible from the street because they are located in the rear property, the public's visual impact of the property would be low to none. Understanding the public visual impact is critical when deciding which improvements or changes should be permitted to a historic property.

Due to the small size of these accessory buildings, relatively small scale, and restricted locations these small buildings/ structures may be acceptable candidates to be listed on the Minor Class of Work. However, based on various modern and faux historic designs, staff suggests examining options.

Option 1

Installation of a new or replacement of an existing accessory, detached building or structure which consists of 199 square feet or less and does not connect to a permanent foundation provided that the exterior cladding matches in color and design of the main building.

Option 2

Installation of a new or replacement of an existing accessory, detached building or structure which consists of 199 square feet or less and does not connect to a permanent foundation provided that it mostly is screened or not easily seen from the nearest street(s).

Option 3

Installation of a new or replacement of an existing accessory, detached building or structure which consists of 199 square feet or less and does not connect to a permanent foundation provided that the 1) exterior cladding matches in color and design of the main existing building; or 2) is mostly screened or not easily seen from the nearest street(s).

Option 3 is the most flexible while preserving the historic character and public viewshed of the property. Staff notes that if a proposal does not meet the Minor Class of Work locational or design criteria, it does not mean that it's prohibited. Instead, it is then reviewed by the HDC at a public meeting for additional discussion and vote. The HDC may approve the proposal with conditions to allow the project to move forward.

Staff's recommendation

Based on the subject memorandum, previous discussions with the HDC, and through the State *Local Historic Districts Act* (Public Act 169, adopted 1970) and local City of Battle Creek Ch.1470.10 *Delegation of Authority*, staff recommends adding the following to the Minor Classes of Work:

New Number 29)

Installation of a new or replacement of an existing accessory, detached building or structure which consists of 199 square feet or less and does not connect to a permanent foundation provided that the 1) exterior cladding matches in color and design of the main existing building; or 2) is mostly screened or not easily seen from the nearest street(s).

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Recommendation

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