

CITY OF PLYMOUTH
HISTORIC DISTRICT COMMISSION – REGULAR MEETING
WEDNESDAY, FEBRUARY 3, 2016
7:00 PM
AGENDA

Meeting called to order at _____p.m.

1. ROLL CALL: Jeremy Borys, Stanley Cole, Stella Greene, Glenn Kremer,
Colleen Polin, Jessica Thomey and Joseph Philips

2. APPROVAL OF MINUTES
Regular Meeting – December 2, 2015
No Meeting in January

3. APPROVAL OF AGENDA

4. COMMUNICATIONS/CITIZEN COMMENTS

5. ELECTION OF OFFICERS:

CHAIRPERSON

Nominated by _____

Action taken _____

VICE-CHAIRPERSON

Nominated by _____

Action taken _____

6. OLD BUSINESS- Discussion

1. 807 Penniman, Dean Sadler & 306 S. Main, Greek Islands
2. 676 W. Ann Arbor Trail, Wilcox House
3. 249 S. Main, Anthony Polce

7. NEW BUSINESS

None.

8. REPORTS AND CORRESPONDENCE:

9. COMMISSIONER COMMENTS

MOTION TO ADJOURN

City of Plymouth
2016 Goals

The City Commission met on January 4th to conduct a formal goals setting session for 2016. These goals were formally adopted on January 18th. Below are the goals adopted by the City Commission for all City Boards, Commissions and Administration members.

- * Resolve Last Issues Regarding Dissolution of Plymouth Community Fire Department Agreement (Primarily Pension issues)
- * Work Collaboratively with Plymouth Arts & Recreation Complex (PARC) organization, the Plymouth Canton School Board, and the greater Plymouth Community to continue the repurposing of Central Middle School into a high quality Arts & Recreation Complex.
- * Developing a succession plan for the city's key employees, especially considering the long tenures of many of our senior staff.
- * Develop funding plan for future capital improvements
- * Work collaboratively with the DDA, community leaders, and other organizations to plan for Plymouth's 150th Birthday in 2017. This includes obtaining funding for new Kellogg Park Fountain and Kellogg Park upgrades.



CITY OF PLYMOUTH
201 S. Main
Plymouth, MI 48170
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HISTORIC DISTRICT COMMISSION - REGULAR MEETING MINUTES
WEDNESDAY, DECEMBER 2, 2015

Meeting called to order at 7:03 p.m. by Chairperson Philips

1. - ROLL CALL

MEMBERS PRESENT: Jeremy Borys; arrived at 7:07p.m., Stanley Cole, Glenn Kremer, Colleen Polin, Jessica Thomey, and Joseph Philips

MEMBERS ABSENT: Stella Greene

OTHERS PRESENT: John Buzuvis, Community Development Director

2. - APPROVAL OF MINUTES

There was a motion made by Comm. Kremer, supported by Comm. Thomey to approve the meeting minutes of November 4, 2015, as amended.

MOTION CARRIED UNANIMOUSLY.

3. - APPROVAL OF AGENDA

There was a motion made by Comm. Polin, supported by Comm. Cole adding "The order of the meeting" to the meeting agenda, as amended.

MOTION CARRIED UNANIMOUSLY.

4. - COMMUNICATIONS/CITIZEN COMMENTS

None.

Chairperson Philips went over the rules of order for this meeting with the audience. A motion was made by Comm. Polin, supported by Comm. Thomey to accept the Rules of Order for this meeting, as discussed.

YES BORYS, COLE, KREMER, POLIN, THOMEY AND PHILIPS

NO NONE.

MOTION CARRIED UNANIMOUSLY

5. - OLD BUSINESS

Comm. Philips would like 807 Penniman; Dean Sadler, 306 S. Main; Greek Islands and 676 W. Ann Arbor Trail; Wilcox House added to next month's agenda.

6. – NEW BUSINESS

1. Application for Determination of Appropriateness:

H 15-06

674 Maple

Submission Date: 11/18/15

Demolition

Applicant: City of Plymouth Downtown Development Authority

Oliver Wolcott, DDA Chairperson and mayor pro-tem, 850 Arthur, provided the background process for this application and realizes that any plans for this development will be reviewed by this board and also other boards. The Plymouth DDA board had two jobs one is to help continue the vitality of the downtown and the other is to increase the parking stock for the continuing parking demands downtown. The Central Parking Deck will need to come down and it will take up to a year to rebuild, in the meantime the DDA will need to relocate anywhere from 100-280 parking spots in another location during this construction process. Mr. Wolcott explained the past fifteen years has been spent studying how to provide adequate parking and also continue acquiring properties located in a central downtown location, so in their opinion this critical and valuable property had to be acted upon and acquired quickly.

Shawn Keough, Wade/Trim City Engineer, explained that he grew up in the City of Plymouth and has worked for the City and the DDA for the past twenty-two years. Mr. Keough's goal is to follow City Ordinances set in place for both the DDA's and the Historic District's and pointed out their goals are parallel. The DDA goals are to foster civic beauty and strengthen the economy within their district. The purpose of separating the two applications is that the other properties are physically attached to each other and the Maple street property is not. The 674 Maple property is not occupied, the DDA does not intend to be considered a landlord, but could choose to do so. The property is zoned O-1, Office and is a contributing structure with unique architectural style, but not unique to the City as shown with the many attached examples of similar homes throughout the City. The home, rear garage, fence and trees will be removed to be adjoined with the east property and then re-graded for the proposed parking lot. A tree study will be done and any trees that can be saved will be. To bring this house up to code would be extremely extensive, and it is not ADA compliant. Fifty-six parking spaces will be provided in Phase One and thirty-four parking spaces will be provided in Phase Two of the proposed parking concept. Mr. Keough asked for a Certificate of Appropriateness to remove the structures, to accommodate the proposed parking lot concept.

Chair Philips explained to the applicant that every project is different and there is no check box located on the application for demolition of buildings, because the HDC does not want to make it easy for applicant's to demolish buildings. Comm. Philips felt that the two comments made by the applicant to strengthen the economy and to promote civic beauty were for the purpose of keeping historic structures, not the purpose of the Historic District. Chairman Philips explained the following:

Notice to proceed means the written permission issued by the HDC for work to be performed within a historic district when the HDC has found the proposed work to be necessary, pursuant to a finding under section 18-691.

Sec. 18-691. Notice to proceed.

Under special conditions and emergencies, work within a historic district shall be permitted through the issuance of a notice to proceed by the historic district commission if any of the following conditions prevail and if the proposed work can be demonstrated by a finding of the HDC to be necessary to substantially improve or correct any of the following:

(1) The resource constitutes a hazard to the safety of the public or the occupancy of a structure;

(2) The resource is a deterrent to a major improvement program which will be of substantial benefit to the community and the applicant proposing the work has obtained all necessary planning and zoning approval, financing and environmental clearances;

(3) Retention of the resource would cause undue financial hardship to the owner when a governmental action, an act of God, or other events beyond the owner's control created the hardship, and all feasible alternatives to eliminate the financial hardship, which may include offering the resource for sale at its fair market value or moving the resource to a vacant site within the historic district have been attempted and exhausted by the owner; or

(4) Retention of the resource would not be in the interests of the majority of the community.

Comm. Cole, asked if the total parking spaces on the concept plan will equal ninety, and stated that 45 parking spaces currently exists toward the City stock and felt that a parking study could show that an additional 45 spaces could be added at the location where the other buildings were recently taken down. Mr. Keough responded due to current Ordinances and due to screening, buffering and placement of vegetation they would be losing a significant amount of parking spaces.

Comm. Thomey, spoke about the concept plan. Mr. Keough explained the concept plan is only a starting point, the trees and vegetation is typical of what the City approves, and the wall shown was drawn similar to the existing approved wall for the Rite Aid building.

Comm. Polin, spoke about City Comm. Wright's previous comments regarding the short-term project for parking and asked about the long term objective with a mixed use development. Oliver Wolcott explained that the short term is the parking lot and the long term would be a mixed use development, but in the meantime the rebuild of the Central parking lot and develop this property with our shared vision between the Planning Commission, Historic District, DDA and the City for this mixed use development would be developed by us.

Comm. Kremer, explained he is looking for information to make a determination and asked for additional information such as: the number of parking spaces, how the lot affects the surrounding resources by the massing and size, lighting specifications, signage, the parking study and the Master plan. Oliver Wolcott answered that he can provide the 2012 parking study and Master Plan electronically to the Historic District Commissioners and is also available on the City/DDA website. Mr. Wolcott explained that this has been a formal goal of the City Commission and the DDA since the year 2011, and the purchase of the Saxton property was also a part of City Commission's objective. Comm. Kremer asked if the applicants have spoken to any Historical preservation groups or to the City Attorney regarding the crafting of this application? Mr. Keough responded that he has not.

Comm. Borys, explained he needed more information on the reasons the home or structure can not remain, and asked if they had any creative ways to preserve this home? Oliver Wolcott, explained that the DDA board has had significant dialog on both angles and the ultimate decision was to proceed with this resolution for the best use and for the downtown vitality, it was determined to increase the parking stock and being their responsibility to move forward to develop this land into what is going to be the most economically beneficial to City's downtown.

Comm. Philips, agreed with Comm. Cole's comments and stated that even if the parking lot meets all of our Ordinances; that doesn't matter, what matters is if you can save a house or a building and that he would be in favor of, Comm. Phillips suggested allowing parking behind the buildings temporarily. Comm. Philips would like to see a sketch for the parking lot, but was not in favor of destroying these historic buildings for a temporary parking lot, and losing the structures forever.

Public Comments:

Bob Werda, 1000 Fairground, spoke about this being the City of Homes, people come to town for historic nature, not parking, if your taking it all down (the buildings), it will be gone.

2. Application for Determination of Appropriateness:

H 15-07 583, 585, 587 W. Ann Arbor Trail Submission Date: 11/18/15
Demolition
Applicant: City of Plymouth Downtown Development Authority

Shawn Keough, Wade/Trim City Engineer, made a presentation and explained the wavy building located 587 W. Ann Arbor Trail, was considered a non-contributing structure, and the easterly building located at the 583/585 location was considered a contributing structure. The standards for Historic preservation or rehabilitation states preserving the historic character of the original structure, however Mr. Keough explained this building has been modified significantly on three sides, compromising the contributing factor. Mr. Keough provided additional information, showing a sketch of the building, delineating the (forty percent) area of the original east wall removed for the Saxton's warehouse addition in 1960, the west wall has added four - 5x8' openings into the wall, along with the front of the building access way's original matching tiling being removed, and as a result lacks the historic significance it once possessed. The structure was originally built in 1928 with a dance floor on the second floor, still remains retail with a mixed use, but the structure's character (all four sides) has been extremely compromised and this should be considered as it is an important fact, the Saxton's building is not contributing, according to the 1994 HDC study, and therefore it should be allowed to be demolished. Mr. Keough explained that most of the city's downtown buildings are located up along the right-of-way, and do not have the percentage of windows that this (the wavy building) possesses, and this building sits back & angles backward, this type of structure would not be allowed today. Mr. Keough stated that he felt the building should come down to facilitate the DDA's goals, fostering civic beauty can be obtained other than by the buildings remaining in their present state, mostly due to the way they were

modified. Removing these structures will compliment the beauty of the district, fostering civic beauty, the structure as it sits now meets that goal, especially by the way it was allowed to be modified. The DDA was asked to state it's full intentions and the process may take some time to get the boards aligned and how to proceed best and we chose to start with the HDC board. Mr. Keough asked the board to respectfully approve this joint goal to strengthen the local economy within the overlapping districts of the DDA and historic district.

Comm. Kremer, would like the same questions answered and asked if he has spoken to anyone with the HDC? Mr. Keough responded that he did contact Comm. Philips today and he is here to work with this board for dialog and feedback. Oliver Wolcott stated there has been an ongoing dialog with board Chairs regarding this parcel and the concept plan, until it was voted on by the DDA, no concrete plan has been in place for the Planning Commission, HDC or Zoning Board of Appeals, until now. Mr. Wolcott asked for this board's approval then they will submit the plans and final product. Comm. Kremer explained that the first motion is for a complete application so that they can make a decision and felt he needed more information and would like the following information:

1. What is the reasonable distance to walk to a business?
2. What are the specific benefits to downtown, are they financial, what are they?
3. The results of the Engineering study of the Structures.

Comm. Polin, spoke about the previous meeting of Comm. Wright's comments, and for the DDA to submit their intentions and stated that they review the standards along with consideration of the Ordinances. Comm. Polin asked about the Engineering study of these buildings and stated that the HDC looks at restoration not demolition, as a standard for consideration. Comm. Polin asked if the engineering study was complete and if anything was found, this board would like a copy

Comm. Cole, stated that age is a determining factor if the building is contributing, another item the HDC can review is if the architectural style represents the time and place.

Comm. Philips spoke about the Penn Theatre being something that would not be allowed to be built today, but we sure are glad we have it. The Saxton's building doesn't draw massive crowds, but it does have identifiable architecture, and the brick building has been called by experts, contributing.

Public Comments:

Dema Lincoln, 606 Maple, loves Plymouth, has lived here for 13 years, the businesses are important but not at the expense of the neighborhood. Tearing down a home for a parking lot does not satisfy the purpose of the Historic District, please keep Maple street a neighborhood.

Cohen Lincoln-child, 606 Maple, born in the living room of his home, he used to be able to look out and see the white house, now he only has the yellow home, please don't tear down the yellow home. He doesn't want to look out the window and see cars.

Madison Lincoln-child, 606 Maple, does not want a parking lot across from their home, her friends like to ride bikes on Maple Street, she does not want a parking lot. She would like the applicant to find another way, by leaving houses along Maple Street.

Garrett Lincoln-child, 606 Maple, this destruction makes him sad, because he will now be looking at cars, if a wall was built it would be ok, but not the same. A house would bring a family and we would be friends. Mr. Lincoln does not want the yellow house torn down.

Bob Werda, 1000 Fairground, spoke about the parking lights, car doors shutting and during festivals cars coming through the neighborhood looking for parking. Mr. Warden asked if consideration was given to the existing residents on that street? Comm. Philips responded that this would be part of the review process.

Wes Graff, Plymouth Chamber, wanted to speak about the pressures of the parking problem. Mr. Graff explained that to keep this vibrant downtown we need visitors coming and they need adequate parking. The 7 Mile and Haggerty area has an entertainment area and plenty of parking, if they cannot find parking here they will go to the 7 Mile Road area. Mr. Graff explained more business will be coming on Ann Arbor Road, we have to prepare for that. Approximately 300 new realtors are moving into the building at the corner of Ann Arbor Trail and Main Streets, they will be using approximately 30-40 spaces at a time, regularly, two new restaurants are currently preparing for opening, parking will be needed there also. We have to help them thrive, this downtown area is easily accessible, we need to increase the parking stock. This is our "one" chance to expand the parking and Mr. Graff encouraged everyone to consider this area for parking, in their decision.

Cynthia Flora, 382 Blunk, agreed there is a parking problem, and felt ninety parking spaces is excessive for that spot. Ms. Flora suggested taking the 2.5 million spent and build a parking structure behind EG Nicks, or look at another option. Ms. Flora also suggested giving Saxton's a face lift.

Denny Pennington, 550 Forest, owner of business for many years. The downtown businesses cannot get enough parking by 9AM all parking spaces are full. Mr. Pennington felt this is just like any other development, they will add trees and it will look more attractive than it now does.

Mark Wira, 729 W. Ann Arbor Trail, described the parking problem and suggested a parking structure. Mr. Wira spoke about owning the corner private parking area and no one has approached him to purchase his parking area. Mr. Wira offered to trade the City his parking area for one of the buildings. Mr. Wira would like the buildings used to perhaps build a useful structure, instead of a temporary parking lot.

Chuck, 1034 York, felt the duty of this board is to safeguard the heritage of the City of Plymouth. He asked the applicant's to find another area without historical structures on it.

Frank Yaquinto, Owner of Compari's, Fiamma & the Sardine Room, wishes a tenth of the people here now have been to some of the DDA meetings that has been talked about for the last four years. This isn't only this board's problem it affects everyone in the City of Plymouth that owns a home, if the downtown vitality goes down so does your home values. Mr. Yaquinto has been in the City for over fifteen years and has taken over two stores, the home values then are not what they are today. When you look at the Downtown, the lights, the street scape, the new fountain coming in 2017 is attributed directed from the DDA. Mr. Yaquinto explained parking has been looked at in numerous areas, and the downtown will fail without this parking.

Rob Parent, 388 S. Main, reminded everyone that everyone is here because they love the City, be respectful, listen, Mr. Yaquinto's whole life is tied up in this. Mr. Parent's family raised money to match funds with the DDA to help with the tree lighting throughout Downtown Plymouth, Why?, so that the town is vibrant. Come together, if you take for granted for what you have, it will decline. Royal Oak or Livonia was flourishing and now it is not. The lack of parking is now having an effect on the downtown businesses.

Bob Parent, 388 S. Main, reminded everyone of malls of the 1960's were located everywhere due to the enormous parking areas and additional parking is something Plymouth needs desperately.

Lindsey Lebovitz, Creatopia Pottery, is on the DDA board, it is imperative for her customers to find parking. Customers are calling wanting to come in but cannot find parking and end up going to another City. Ms. Lebovitz explained she has lost many good customers due to parking, we need more parking.

Corey Pollard, 444 S. Main, explained losing customers on a daily basis due to inadequate parking, the spaces on either side of her have been vacant for years. There is a parking crisis, mostly during the day. This is a huge step in the right direction for the businesses of downtown Plymouth.

Lynda Racey, 883 Sutherland, sympathizes with the parking problem, but loves the historical buildings and asked the board to review this with both in mind. Ms. Racey doesn't want the historical charm lost, and suggested alternative plans. Ms. Racey is concerned with the one lone home being stranded with a parking lot surrounding it.

Joe Cislo 589 Kellogg, was in support to save the yellow house. Mr. Cislo asked to help his neighborhood from being destroyed. Mr. Cislo read from the Master Plan regarding uses adjacent to existing neighborhoods being limited.

Ryan Shaw, 686 Maple, owns the corner home. If in the future, if he sells his home, no one will purchase a home surrounded by parking and asked what does he do? Mr. Shaw stated 45 more parking spaces, by tearing down buildings, will not solve the problem.

Brandon Janess, 265 Maple, recent resident, small cities thrive on great businesses, not parking. Mr. Janess was not in support of either application.

Ellen Thackery, MHPN, spoke about the historical buildings adding interest through the streetscape and will help tell the story of the community. Ms. Thackery explained demolishing a historical building within the historic district does not meet the Secretary of Interior Standards, which is the framework to make the decision.

Notice to Proceed(previously listed). Numbers 1, 3 & 4 apply to these applications:

1. The buildings are occupied and in use therefore are not hazards,
- 3.) These buildings are in use and are not in any financial hardship to the owner, are protected by local Ordinance and deemed at the time to be community assets worthy of preservation and protection. They have become more appreciated in time, not less.
4. There is renewed interest as we have heard tonight and would be a shame to lose them.

Ms. Thackery felt the proposed demolitions of these mid-century buildings would be a permanent loss for a parking lot with 45 parking spots as a major improvement program that would be a substantial benefit to the community; the proposed loss would be permanent loss of these historic buildings. There is a parking issue, but these 45 spots will not solve this problem.

Melissa Shaw, 686 Maple, corner house to be surrounded by this parking lot. They choose Plymouth to raise their family. They have invested many hours to fix up the home with time and money. Our house will be the lone home and there are no wins for them ending up with a parking lot surrounding their home, and most of all losing the value of their home. No one will want to buy their home, the parking lot will severely depreciate their home, 45 parking spaces will not solve the parking problem.

Andrew Justice, Plymouth Twp, works in the City, spoke about the parking study with maps of the area showing peak times and how full the lots are, most of the lots are not full, this diagram does not support their theory of inadequate parking. Mr. Justice felt this parking crisis is not a crisis.

Daniel Sabo, Taylor resident, spoke about a research paper showing the oldest Saxton's building as being part of the underground railroad. His parents were some of the founders of the historic society. To demolish this site for a parking structure would be a poor way for this commission to honor those in Plymouth and honor diversity, there are many other reasons for these buildings not to be demolished and the city would never recover from. The Historic District is here to safeguard the heritage of the City of Plymouth and foster civic beauty. If the tearing down of historic buildings continue the city will decline.

Dan Sommerville, 653 Leicester, a student, spoke about the parking lot plan and asked what this will do for the City. The City has a walkable downtown and people never tell you they come down here to park, there is plenty of parking tucked behind buildings. This parking lot will be in the front, creating dead space.

Christopher Marroni, 615 Kellogg, understood both sides of this and spoke about the parking in the neighborhoods. It's more than just a parking issue and to tear down historic buildings to accomplish a temporary solution isn't the correct way to maintain the integrity of the town. It's not the city of parking lots it's the City of Homes.

No name given, stated all his points have been made. He loves Plymouth and the business owners are what makes Plymouth great. Mr. Lincoln wanted the HDC to respect the historic nature of Plymouth, not the parking. The HDC are the guardians of this, and he appreciates them.

Bill Lincoln, 606 Maple, spoke about the location of his home facing the headlights of cars that will park across from him. The historic homes will no longer be serving families. Mr. Lincoln asked will this be safeguarding the heritage of Plymouth. The historic dance hall is part of Plymouth's heritage.

Jason Finland, 548 Harding, was not in favor of the demolitions. Mr. Finland is in favor of saving the home & buildings, he stated they have been here for over a century and are contributing structures. Mr. Finland does not want the 100 year old building to be torn down for sixteen parking spaces as it will not solve any parking issues. The appraisal of Jewell & Blaich buildings came to \$800,000 dollars.

Mr. Finland felt the residential home on Maple street has significant architectural features and could be preserved for decades to come. The two homes located at 693 Maple & 606 Maple were recently rezoned to be 100 % residential and 70% of Maple Street is residential and this area should stay a residential area.

Pat Kehoe, 418 Blunk, has been to the DDA meetings and spoke out against the demolition of the buildings, but one of them was taken down anyway. Mr. Kehoe asked about the parking study, the DDA at that time seemed like they did not know about any parking study. The parking study shows different areas addressing recommendations for changing the parking, such as changing the parking deck from an 8 hour parking spot to a 3hour parking spot, have employees parking a few blocks away and save the deck for customers. Instead the DDA is spending a minimum of \$25,000 a space for this parking lot and if there is a new deck it could cost \$20,000 per space. Mr. Kehoe is against the demolition of the historic buildings.

Ellen Elliott, 404 Irvin & 760 Penniman, spoke about the renovation of the Penn Theatre and the HDC's mission is to protect these buildings. The parking problem was an issue also 50 years ago, it was recently published in a HD Society newsletter, this problem is ongoing and will continue. The Daisy wall & Masonic Temple are both gone, and we cannot bring them back. Ms. Elliott hopes the HDC makes the right decision.

Leon Hanson, 116 N. Holbrook, gave a math lesson explaining the cost of the property divided by the total amount of parking spots (to be developed) equals the cost of each parking space (\$55,000) and on the other hand, if a structure is built behind the gathering it would cost approximately \$130,000, and Mr. Hanson suggested the audience watch the numbers.

Tracy Ozan, 9010 N. Sheldon and owner of the Meeting House Grand Ballroom, stated she sees the shortage of parking in Plymouth on a daily basis and this is impacting the customers, employees and herself, and wanted to show her support in favor of these two requests for the demolition for adding additional parking.

Mark Menuck Curtis Bldg, Birmingham, stated he is pro Plymouth and agreed with Mr. Keough and Mr. Yaquinto with the need for additional parking, but also spoke about the funding of his current development (Starkweather School) through financial backing, tax credits, National park service credits, and/or Brownfield funding with this, the building can be saved and the parking can be placed somewhere else, Mr. Menuck felt that these buildings accomplish the same and was in favor of preserving this beautiful building.

Mark Malcolm, 1364 Maple, supports the preservation, and suggested the applicant work the parking around the existing buildings. A DDA recent appraisal showed the market value of just the Jewel and Blake hall at \$800,000, which could be used elsewhere for other opportunities. Mr. Malcolm, formally on the DDA board, suggested parking and/or shuttle vans for the workers parking at the Central Middle School, this is a DDA proposal whom has a vested interest in parking, not the City vs. the residents/public. There are two City Commissioners that are currently on the DDA board neither of them have supported this demolition.

Wendy Harless, Township resident and Chairperson of the Plymouth Preservation Network, explained she has never had the problem of not finding a parking spot within the City of Plymouth and Ms. Harless also spoke about the eleven homes listed on the application that are not located within the Historic District and therefore not a comparable with this application. The historic district is here to protect these homes within the historic district. To demolish these buildings for 45 spaces is not going to solve the problem, the DDA stated the long term goal is a new development, after they have permanently demolished these building and put in a short term parking lot.

Ms Harless also spoke about the petition for demolishing the historic buildings for parking. (signed only for the parking purpose and those who signed were not all Plymouth City residents.)

Tom Vanmorlingon, owner of Saxton's Power Equipment, located at 587 W. Ann Arbor Trail, has concerns about the demolition of his business that started in 2012, he will lose his business, along with his six employees and their families will also be losing their jobs, and the DDA does not care about it, only caring about their agenda with no concern about who is in their way for more parking. It will be impossible for him to move his business at this time, due to finances, advertising, and finding a suitable and affordable new location. Additional parking can be accomplished in a more humane way other than the way DDA is suggesting, Mr. Vanmorlingon asked if twenty to thirty parking spots (equivalent to the amount of parking for this particular bldg) is worth destroying a historical building, businesses, and people's lives & homes for?

A lot of alternative ideas have surfaced that should be taken a look at, let's work together to find a solution.

Paul Albanese, 575 Hamilton, spoke about this being an urban space design problem, with competing agendas (development vs. historic preservation) but it can be accomplished when a charrette is accomplished. The current concept is not complete, if you find out what all the agendas are, write them down, follow the design process, do it well everyone will come out with what they need.

Tim Tingstad, 592 Maple, explained he lives one home away from the proposed lot and a member of the Fairground Park Association. Mr. Tingstad felt that the issue here is not for parking it is for the HDC to determine. If these properties should come down, based upon the six purposes., there is no rationale to take these properties down as stated in Section 18-640

Sec. 18-640. - Regulation of structures.

There shall be no construction, addition, alteration, repair, moving, excavation, or demolition of a resource within any designated historic district within the city, such as the city historic district, unless such action complies with the requirements set forth in this article.

As stated in the six purposes of the HDC, there is no rationale. These properties would be permanently lost due to a temporary seven to ten year need and you don't know what you have until it's lost, let's hope that doesn't happen here. Joe Teed, 289 Maple, is not in favor of this demolition. Mr. Teed has five parking spots located at his home. If you add all the downtown parking there would be 4,000 parking spots not talked about tonight. Mr. Teed came from west Dearborn and spoke about parking structures that were built and now Dearborn is a ghost town and asked to study Dearborn as they have more parking than they know what to do with.

Bob Whelan, 351 Maple, spoke about all the investments he and his neighbors have made with their own homes and would like his neighborhood to continue being family focused, Mr. Whelan explained he is also a customer for the vendors downtown, but he is not in favor of these two demolition requests.

Cheryl Early, 11928 Appletree, Twp., asked that the HDC obtain the following information: engineering study, were the buildings in line with the Secretary Of Interior standards, Regarding the Jewell building-were the changes made before or after the HD was in place, why are there two phases for the parking lots, encourage the community use of public parking located at PARC and perhaps the deck could be built there, and felt the SE corner of a major gathering place is not the place for parking.

Rich Sharland, 48121 North Territorial, spoke about his grandfather building the Saxton's building, Carl Blake who's name is on the building is his grandfather's half cousin, on the pictures distributed, fourth person from the left is Carl Blake, it was built as a plumbing contractor building, Jewell & Blake lost the building and that is when Saxton's obtained it. There is another Jewell & Blake building in the City located where on Main Street at Horton's Plumbing. Mr. Sharland would like the Saxton's building saved, it has a sentimental attachment to Mr. Sharland.

Steve Beltran, 585 Maple, would like the buildings saved.

Randy Lorenz, Meeting House, 499 S. Main, spoke about the Mayflower Hotel being torn down and it was a tragedy, has never been inside the Jewell & Blake building and therefore does not hold any historic significance to Mr. Lorenz, especially when compared to the historical significance of the Mayflower Hotel where thousands have been to and nothing was done to save it from demolition. Mr. Lorenz has served on the parking committee and the parking studies are out of date, due to significant changes in the City. The corner building downtown (789 W. Ann Arbor Trail) is projected to have 200 plus real estate agents, with the second floor to be a restaurant with not one parking spot on site. The parking study showed the central parking deck is our best solution to go up multiple stories, this will cost millions of dollars and that money needs to be raised to move forward.

Mr. Lorenz spoke about inadequate parking and asked the HDC to allow this parking lot to go through.

Chuck Myslinski, 1034 York, appreciates the businesses and vibrancy of the City, twenty-five years ago property values were up and thinks the downtown area will always stay vibrant, and asked the HDC to keep preserving our history.

In addition to the above comments there were citizen, resident and public comments received by the Community Development Department through emails:

There were 256 who supported the demolition of the building and the building of a parking lot on the Saxton's property.

There were 8 who did not support the removal of the buildings to build parking (either because they do not support a parking lot in that area and/or they do not believe the structures should be removed).

Comm. Kremer, would like to table this application until more information is received and would like to work with the DDA supplying them with the list of the missing items needed. Comm. Kremer felt with the denial of this application the applicant needs to know the reasons why the application is incomplete.

Comm. Thomey, suggested making a motion to approve for completeness, (to stop the clock from running on the sixty-day Review Decision, ZO 94-6, Section 5.B).

Comm. Philips spoke about not wanting to approve the demolitions without knowing what the entire scheme will be and concluded that the board is "short of information to say yes, but not to say no". Comm. Philips felt providing the applicant with a list of items needed would imply they will receive an automatic approval from us and Comm. Philips was not in favor of this. Comm. Philips stated occasionally we help the applicant, but after sitting through this meeting and then come up with everything they need, (it's the house or nothing), it could be the buildings and parking, but we have not seen this.

Comm. Cole would like to make the motion, compile the information and meet with the applicant to go over the list of items needed.

1st Motion

A motion was made by Comm. Cole, supported by Comm. Thomey, to approve the completeness of H15-06, 674 Maple, Demolition, as submitted.

YES NONE.

NO BORYS, COLE, KREMER, POLIN, THOMEY AND PHILIPS

MOTION FAILED UNANIMOUSLY

2nd Motion

A motion was made by Comm. Cole, supported by Comm. Borys, to approve the completeness of H15-07 583, 585, 587 W. Ann Arbor Trail, Demolition, as submitted.

YES NONE.

NO BORYS, COLE, KREMER, POLIN, THOMEY AND PHILIPS

MOTION FAILED UNANIMOUSLY

It was found that this application was deficient and the HDC requested a minimum of the following additional information be submitted for each application:

1. Provide the conditions assessment for all structures (including structural analysis, photos of the buildings, documenting the condition of the structure, ect.).
2. Provide a copy of the City of Plymouth Master Plan
3. Provide a copy of the 2012 Parking Study
4. Provide other options or a plan for preserving/maintaining the buildings locating parking in and around the buildings where they currently stand.
5. Provide a site plan showing trees, landscaping and buffers.
6. Provide surveys of the properties
7. Provide the meeting minutes from all meetings where the Saxton's property was discussed.
8. Provide a proposal to have Employees Park at PARC and be shuttled to their downtown jobs to help reduce the parking problem in downtown.
9. Provide the meeting minutes and reasons why a parking deck could not be placed somewhere else.
10. Provide the meeting minutes from all the meetings where other "parking options" have been discussed (for all the scenarios discussed over the last several years: adding on to the central parking deck, Harvey and Wing St. lots, behind the gathering, Christian Science Church, PNC Bank, Valet Parking etc.)
11. Provide documentation of what the parking will be with or without the buildings and any other information to argue the applicant's case showing the parking spots are more important than the buildings.
12. Provide the definition of "reasonable distance to downtown" and list what the "specific benefits to downtown" are.

7. - COMMISSIONER'S COMMENTS

None.

A motion was made by Comm. Kremer, supported by Comm. Cole to adjourn.

MOTION CARRIED UNANIMOUSLY

Meeting Adjourned at 11:08 P.M.

Respectfully Submitted,

Marleta S. Barr,
Community Development Department.
Office Manager

Information Only

To: Historic District Commission
From: John Buzuvis, Community Development Director 
CC: S:\DDA\Shared Files\John\Community Development\Historic District
Commission\Administrative Recommendation
Date: 1/27/2016
Re: Properties with Outstanding/Pending Historic District Concerns

BACKGROUND:

At several previous Historic District Commission Meetings the board has discussed several properties/structures within the Kellogg Park Historic District at which work has been done absent approval from the HDC. The board has also mentioned several properties that have received approvals but may not have followed through with all those items approved and/or deviated from approved plans through the course of the project.

The board has asked the administration to review these items and suggest next steps for remedying these infractions (as allowed by ordinance). Below is a summary of options to address work done without a permit (COA-certificate of appropriateness), or not done to approved standards as provided by Article XIII. Kellogg Park Historic District of the City of Plymouth Code of Ordinances.

Generally speaking the HDC, at its discretion, may use the following methods to address violations/infractions (no COA) or work not completed to approved standard.

- issue (or cause the administration to issue) a civil infraction of not more than \$100 (or \$5000 if action taken under the state law)
- if the local article and state law are violated a person may be court ordered to return or replicate the resource
- if work is done without a permit (COA) and the HDC finds that the work does not qualify for a COA the owner may be required to return resource to its previous condition or a condition that would qualify for a COA
- if the owner does not comply with the HDCs requirement to return the resource to previous and/or qualifying condition the HDC may obtain a Circuit Court order to force the owner to do the same
- If the above fails the HDC may enter the premises and cause the work to be done

Perhaps a committee, of no more than two (2), HDC members should work collaboratively with the administration to compile a list of potential infractions/violations for presentation to the HDC Board at a future date. A list of violations, and their severity, could then be reviewed and the HDC could advise the administration how they would prefer, by resolution, to proceed for each property/resource.

Excerpt from City of Plymouth Code of Ordinances

Article XIII Kellogg Park Historic District

Sec. 18-638. - Penalties.

- (a) A person who violates this article is responsible for a civil violation and may be fined not more than \$100.00. An action taken under state law, MCL 399.201 et seq., MSA 5.3407(1) et seq., however, provides for a civil violation and a fine of not more than \$5,000.00.
- (b) A person who violates this article and state law may be ordered by the court to pay the costs to restore or replicate a resource unlawfully constructed, added to, altered, repaired, moved, excavated, or demolished.

(Ord. No. 94-6, § 13, 3-22-94)

Sec. 18-658. - Failure to obtain a permit.

- (a) When work has been done upon a historic resource without a permit, and the historic district commission finds that the work does not qualify for a certificate of appropriateness, the HDC may require an owner to restore the resource to the condition the resource was in before the inappropriate work was conducted or modify the work so that it qualifies for a certificate of appropriateness.
- (b) If the owner does not comply with the restoration or modification requirement within a reasonable time, the HDC may seek an order from the circuit court to require the owner to restore the resource to its former condition or to modify the work so that it qualifies for a certificate of appropriateness.
- (c) If the owner does not comply or cannot comply with the order of the court, the HDC or its agents may enter the property and conduct work necessary to restore the resource to its former condition or modify the work so that it qualifies for a certificate of appropriateness in accordance with the court's order. 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. When acting pursuant to such order of the circuit court, the HDC or its agents may enter a property for purposes of this section.

(Ord. No. 94-6, § 8, 3-22-94)

**CITY OF PLYMOUTH
201 S. MAIN
PLYMOUTH, MI 48170
www.ci.plymouth.mi.us**

Information Only

To: Historic District Commission
From: John Buzuvis, Community Development Director 
CC: S:\DDA\Shared Files\John\Community Development\Historic District
Commission\Administrative Recommendation
Date: 1/27/2016
Re: Proposed State Legislation Related to Local Historic Districts

BACKGROUND:

Attached is information related proposed amendments to PA 169 of 1970-Local Historic Districts Act. We recently received this information from Kurt Heise our State Representative. At the writing of this memo the amendments were in committee and no votes had been taken. We will attempt to have an update on the status of these amendments for next week's meeting.

Attached please find a 'one-sheet' from the Michigan Historic Preservation Network as well as the proposed amended public act language.



MICHIGAN HISTORIC PRESERVATION NETWORK

HISTORIC RESOURCES IN MICHIGAN JEOPARDIZED BY BILL TO AMEND 1970 PA 169

Michigan's historic places drive economic development, attract businesses, draw tourists and new residents, create a sense of place, and enhance our quality of life. Keeping these historic places is so important that historic preservation has been upheld as a public purpose under the U. S. Constitution—preserving historic resources is a valid governmental goal and local historic district ordinances have been upheld as an appropriate means to secure that goal. Local historic districts are the only way for communities to manage and protect their historic assets, and **78 communities to date have chosen to enact ordinances to protect their historic assets** at the local level, under current state law. The bill to amend 1970 Public Act 169 jeopardizes the efficient and fair process for establishing local historic districts already in place under PA 169, reduces protection given to resources in local historic districts, and diminishes the authority of local historic district commissions and local legislative bodies.

Weakens Protection for Historic Resources

- This bill would dispose of the current process for dissolving historic districts, allowing local legislative bodies to eliminate local historic districts without guidelines or justification, and without community input.
- This bill would reduce reliance on accepted, best-practice Standards used nationwide for commission decision-making, introducing uncertainty into the process.
- This bill would change the appeals process for an aggrieved property owner within a district. Instead of appealing to a neutral state board, which has appellate jurisdiction because of its expertise, appeals would be heard at the local level where political and development pressures could affect the outcome.

Reduces Local Control

- This bill would make it impossible for local legislative bodies to act quickly to head off a sudden development threat to a community landmark. Currently, in municipalities with a historic district ordinance, a local legislative body can place a threatened resource under study for local designation and delay development in that area for up to 6 months. This bill proposes to petition local property owners and acquire a 2/3 majority in support before a historic district study committee could even be appointed, wiping out the local body's ability to act quickly under threat.
- This bill would mandate that after a local legislative body decides to establish a local historic district, the public in that unit of government must vote in support of the district in a general election to make it official. Further, the electorate will have to vote on its local historic districts every 10 years, even in communities with long-standing historic districts, imposing unnecessary and substantial costs upon municipalities in staff time and community education. ***These inefficient processes undermine local representative democracy. Why would the State impose a sunset clause on local decisions?***

KEY IMPLICATIONS OF BILL TO AMEND 1970 PA 169:

To establish a local historic district, this bill would require petitioning property owners in a proposed district for majority consent and then require the general electorate to vote in favor of establishing a district, whereas no such petitioning or voting would be required to dissolve a local historic district.

The ability to designate and protect single landmark resources would be critically compromised as, again, majority consent would need to be granted—meaning one property owner in such circumstances. If the property owner were absent, unresponsive, or not in favor, that resource could not be protected from alteration or demolition, and a treasured community asset could be lost.

1970 PA 169 PROPOSED AMENDED LANGUAGE

History and arts; other; procedure to establish a local historic district; modify.
History and arts: other; History and arts: historic sites; Local government: other

A bill to amend 1970 PA 169, entitled
"Local historic districts act,"
by amending sections 1a, 3, 5, 9, and 14 (MCL 399.201a, 399.203, 399.205, 399.209, and 399.214), sections 1a and 5 as amended by 2004 PA 67, sections 3 and 9 as amended by 2001 PA 67, and section 14 as added by 1992 PA 96.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1a. As used in this act:

2 (a) "Alteration" means work that changes the detail of a
3 resource but does not change its basic size or shape.

4 **(B) "AUTHORITY" MEANS THE MICHIGAN STATE HOUSING DEVELOPMENT**
5 **AUTHORITY CREATED BY SECTION 21 OF THE STATE HOUSING DEVELOPMENT**
6 **AUTHORITY ACT OF 1966, 1966 PA 346, MCL 125.1421.**

7 (C) ~~(b)~~—"Certificate of appropriateness" means the written



1 approval of a permit application for work that is appropriate and
2 that does not adversely affect a resource.

3 (D) ~~(e)~~ "Commission" means a historic district commission
4 created by the legislative body of a local unit under section 4.

5 (E) ~~(d)~~ "Committee" means a historic district study committee
6 appointed by the legislative body of a local unit under section 3
7 or 14.

8 (F) ~~(e)~~ "Demolition" means the razing or destruction, whether
9 entirely or in part, of a resource and includes, but is not limited
10 to, demolition by neglect.

11 (G) ~~(f)~~ "Demolition by neglect" means neglect in maintaining,
12 repairing, or securing a resource that results in deterioration of
13 an exterior feature of the resource or the loss of structural
14 integrity of the resource.

15 (H) ~~(g)~~ "Denial" means the written rejection of a permit
16 application for work that is inappropriate and that adversely
17 affects a resource.

18 ~~(h) "Department" means the department of history, arts, and~~
19 ~~libraries.~~

20 (i) "Fire alarm system" means a system designed to detect and
21 announce the presence of fire or by-products of fire. Fire alarm
22 system includes smoke alarms.

23 (j) "Historic district" means an area, or group of areas not
24 necessarily having contiguous boundaries, that contains 1 resource
25 or a group of resources that are related by history, architecture,
26 archaeology, engineering, or culture.

27 (k) "Historic preservation" means the identification,



1 evaluation, establishment, and protection of resources significant
2 in history, architecture, archaeology, engineering, or culture.

3 (l) "Historic resource" means a publicly or privately owned
4 building, structure, site, object, feature, or open space that is
5 significant in the history, architecture, archaeology, engineering,
6 or culture of this state or a community within this state, or of
7 the United States.

8 (m) "Local unit" means a county, city, village, or township.

9 (n) "Notice to proceed" means the written permission to issue
10 a permit for work that is inappropriate and that adversely affects
11 a resource, pursuant to a finding under section 5(6).

12 (o) "Open space" means undeveloped land, a naturally
13 landscaped area, or a formal or man-made landscaped area that
14 provides a connective link or a buffer between other resources.

15 (p) "Ordinary maintenance" means keeping a resource unimpaired
16 and in good condition through ongoing minor intervention,
17 undertaken from time to time, in its exterior condition. Ordinary
18 maintenance does not change the external appearance of the resource
19 except through the elimination of the usual and expected effects of
20 weathering. Ordinary maintenance does not constitute work for
21 purposes of this act.

22 (q) "Proposed historic district" means an area, or group of
23 areas not necessarily having contiguous boundaries, that has
24 delineated boundaries and that is ~~under review by a committee or a~~
25 ~~standing committee~~ **SUBJECT TO THE REVIEW PROCESS SET FORTH IN**
26 **SECTION 3(1)(A) TO (D)(iii) OR 14(1)** for the purpose of ~~making a~~
27 ~~recommendation as to~~ **DECIDING** whether it should be established as a



1 historic district or added to an established historic district.

2 (r) "Repair" means to restore a decayed or damaged resource to
3 a good or sound condition by any process. A repair that changes the
4 external appearance of a resource constitutes work for purposes of
5 this act.

6 (s) "Resource" means 1 or more publicly or privately owned
7 historic or nonhistoric buildings, structures, sites, objects,
8 features, or open spaces located within a historic district.

9 (t) "Smoke alarm" means a single-station or multiple-station
10 alarm responsive to smoke and not connected to a system. As used in
11 this subdivision, "single-station alarm" means an assembly
12 incorporating a detector, the control equipment, and the alarm
13 sounding device into a single unit, operated from a power supply
14 either in the unit or obtained at the point of installation.

15 "Multiple-station alarm" means 2 or more single-station alarms that
16 are capable of interconnection such that actuation of 1 alarm
17 causes all integrated separate audible alarms to operate.

18 (u) "Standing committee" means a permanent body established by
19 the legislative body of a local unit under section 14 to conduct
20 the activities of a historic district study committee on a
21 continuing basis.

22 (v) "Work" means construction, addition, alteration, repair,
23 moving, excavation, or demolition.

24 Sec. 3. (1) A local unit may, by ordinance, establish 1 or
25 more ~~historic districts. The historic districts, WHICH~~ shall be
26 administered by a commission established ~~pursuant to~~ **UNDER** section
27 4, ~~Before establishing a historic district, SUBJECT TO ALL OF THE~~



1 FOLLOWING:

2 (A) THE LOCAL UNIT SHALL OBTAIN PRELIMINARY APPROVAL OF A
 3 PROPOSED HISTORIC DISTRICT FROM AT LEAST 2/3 OF THE PROPERTY OWNERS
 4 WITHIN THE PROPOSED HISTORIC DISTRICT, AS LISTED ON THE TAX ROLLS
 5 OF THE LOCAL UNIT, PURSUANT TO A WRITTEN PETITION THAT INCLUDES A
 6 PRECISE DESCRIPTION OF THE BOUNDARIES OF THE PROPOSED HISTORIC
 7 DISTRICT.

8 (B) FOR PURPOSES OF FURTHER CONSIDERING 1 OR MORE PROPOSED
 9 HISTORIC DISTRICTS APPROVED UNDER SUBDIVISION (A), the legislative
 10 body of the local unit shall appoint a historic district study
 11 committee. The committee shall ~~contain a majority of persons who~~
 12 ~~have a clearly demonstrated interest in or knowledge of historic~~
 13 ~~preservation, and shall contain representation from 1 or more~~
 14 CONSIST OF 4 TO 7 INDIVIDUALS, 1 OF WHOM IS AN ELECTED MEMBER OF
 15 THE LEGISLATIVE BODY OF THE LOCAL UNIT, 1 OF WHOM IS A
 16 REPRESENTATIVE OF A duly organized local historic preservation
 17 organizations. ORGANIZATION, AND AT LEAST 1 OF WHOM IS ENGAGED IN
 18 THE BUSINESS OF RESIDENTIAL OR COMMERCIAL CONSTRUCTION. The
 19 committee shall do all of the following:

20 (i) ~~(a)~~ Conduct a photographic inventory of resources within
 21 each proposed historic district. ~~following procedures established~~
 22 ~~or approved by the department.~~

23 (ii) ~~(b)~~ Conduct basic research of each proposed historic
 24 district and the historic resources located within that district.

25 (iii) ~~(c)~~ Determine the total number of historic and
 26 nonhistoric resources within a proposed historic district and the
 27 percentage of historic resources of that total. In evaluating the



1 significance of historic resources, the committee shall be guided
 2 by the selection criteria for evaluation issued by the United
 3 States ~~secretary of the interior~~ **SECRETARY OF THE INTERIOR** for
 4 inclusion of resources in the national register of historic places,
 5 as set forth in 36 ~~C.F.R.~~ **CFR** part 60. ~~, and criteria established~~
 6 ~~or approved by the department, if any.~~

7 (iv) ~~(d)~~ Prepare a preliminary historic district study
 8 committee report that addresses at a minimum all of the following:

9 (A) ~~(i)~~ The charge of the committee.

10 (B) ~~(ii)~~ The composition of the committee membership.

11 (C) ~~(iii)~~ The historic district or districts studied.

12 (D) ~~(iv)~~ The boundaries for each proposed historic district in
 13 writing and on maps.

14 (E) ~~(v)~~ The history of each proposed historic district.

15 (F) ~~(vi)~~ The significance of each district as a whole, as well
 16 as a sufficient number of its individual resources to fully
 17 represent the variety of resources found within the district,
 18 relative to the evaluation criteria.

19 (v) ~~(e)~~ Transmit copies of the preliminary report for review
 20 and recommendations to the local planning body, to the ~~department,~~
 21 **AUTHORITY, AND** to the Michigan historical commission. ~~, and to the~~
 22 ~~state historic preservation review board.~~

23 (vi) ~~(f)~~ Make copies of the preliminary report available to
 24 the public pursuant to subsection ~~(4)~~. **(2)**.

25 (C) ~~(2)~~ Not less than 60 calendar days after the transmittal
 26 of the preliminary report, the committee shall hold a public
 27 hearing in compliance with the open meetings act, 1976 PA 267, MCL



1 15.261 to 15.275. Public notice of the time, date, and place of the
 2 hearing shall be given in the manner required by the open meetings
 3 act, 1976 PA 267, MCL 15.261 to 15.275. Written notice shall be
 4 mailed by first-class mail ~~not less than~~ **AT LEAST** 14 calendar days
 5 before the hearing to the owners of properties within the proposed
 6 historic district, as listed on the tax rolls of the local unit.

7 (D) ~~(3) After~~ **ALL OF THE FOLLOWING MUST OCCUR WITHIN 1 YEAR**
 8 **AFTER** the date of the public hearing, ~~the committee and the~~
 9 ~~legislative body of the local unit shall have not more than 1 year,~~
 10 unless ~~otherwise~~ **SOME OTHER TIME FRAME IS** authorized by the
 11 legislative body of the local unit: ~~, to take the following~~
 12 ~~actions:~~

13 (i) ~~(a)~~ The committee shall prepare and submit a final report
 14 with its recommendations and the recommendations, if any, of the
 15 local planning body to the legislative body of the local unit. If
 16 the recommendation is to establish a historic district or
 17 districts, the final report ~~shall~~ **MAY** include a draft of a proposed
 18 ordinance or ordinances.

19 (ii) ~~(b)~~ After receiving a final report that recommends the
 20 establishment of a historic district or districts, the legislative
 21 body of the local unit, at its discretion, may introduce and pass
 22 or reject ~~an~~ **A CONDITIONALLY EFFECTIVE** ordinance or ordinances **THAT**
 23 **WILL ESTABLISH A HISTORIC DISTRICT OR DISTRICTS ONLY IF APPROVED**
 24 **UNDER SUBPARAGRAPH (iii) .**

25 (iii) **A CONDITIONALLY EFFECTIVE ORDINANCE OR ORDINANCES PASSED**
 26 **UNDER SUBPARAGRAPH (ii) ESTABLISHES A HISTORIC DISTRICT OR**
 27 **DISTRICTS ONLY IF A MAJORITY OF THE ELECTORS IN THE LOCAL UNIT**



1 VOTING AT AN ELECTION APPROVE THAT ESTABLISHMENT OF THE HISTORIC
 2 DISTRICT OR DISTRICTS. THIS VOTE SHALL BE TAKEN AT THE NEXT REGULAR
 3 ELECTION HELD IN THE LOCAL UNIT THAT OCCURS AT LEAST 70 DAYS AFTER
 4 THE PASSAGE OF THE CONDITIONALLY EFFECTIVE ORDINANCE OR ORDINANCES
 5 DESCRIBED IN SUBPARAGRAPH (ii) .

6 (iv) ~~If the local unit passes~~ ACTIONS TAKEN UNDER
 7 SUBPARAGRAPHS (ii) AND (iii) RESULT IN THE PASSAGE OF an ordinance
 8 or ordinances establishing 1 or more historic districts, the local
 9 unit shall file a copy of that ordinance or those ordinances,
 10 including a legal description of the property or properties located
 11 within the historic district or districts, with the register of
 12 deeds. ~~A local unit shall not pass an ordinance establishing a~~
 13 ~~contiguous historic district less than 60 days after a majority of~~
 14 ~~the property owners within the proposed historic district, as~~
 15 ~~listed on the tax rolls of the local unit, have approved the~~
 16 ~~establishment of the historic district pursuant to a written~~
 17 ~~petition.~~

18 (2) ~~(4)~~ A writing prepared, owned, used, in the possession of,
 19 or retained by a committee in the performance of an official
 20 function shall be made available to the public in compliance with
 21 the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

22 Sec. 5. (1) A permit shall be obtained before any work
 23 affecting the exterior appearance of a resource is performed within
 24 a historic district or, if required under subsection (4), work
 25 affecting the interior arrangements of a resource is performed
 26 within a historic district. The person, individual, partnership,
 27 firm, corporation, organization, institution, or agency of



1 government proposing to do that work shall file an application for
2 a permit with the inspector of buildings, the commission, or other
3 duly delegated authority. If the inspector of buildings or other
4 authority receives the application, the application shall be
5 immediately referred together with all required supporting
6 materials that make the application complete to the commission. A
7 permit shall not be issued and proposed work shall not proceed
8 until the commission has acted on the application by issuing a
9 certificate of appropriateness or a notice to proceed as prescribed
10 in this act. A commission shall not issue a certificate of
11 appropriateness unless the applicant certifies in the application
12 that the property where work will be undertaken has, or will have
13 before the proposed project completion date, a fire alarm system or
14 a smoke alarm complying with the requirements of the Stille-
15 DeRossett-Hale single state construction code act, 1972 PA 230, MCL
16 125.1501 to 125.1531. A local unit may charge a reasonable fee to
17 process a permit application.

18 (2) An applicant aggrieved by a decision of a commission
19 concerning a permit application may file an appeal with the ~~state~~
20 ~~historic preservation review board within the department.~~

21 **LEGISLATIVE BODY OF THE LOCAL UNIT.** The appeal shall be filed
22 within 60 days after the decision is furnished to the applicant.
23 The appellant may submit all or part of the appellant's evidence
24 and arguments in written form. The ~~review board~~**LEGISLATIVE BODY OF**
25 **THE LOCAL UNIT** shall consider an appeal at its first regularly
26 scheduled meeting after receiving the appeal, but may not charge a
27 fee for considering an appeal. The ~~review board~~**LEGISLATIVE BODY OF**



1 **THE LOCAL UNIT** may affirm, modify, or set aside a commission's
 2 decision and may order a commission to issue a certificate of
 3 appropriateness or a notice to proceed. A permit applicant
 4 aggrieved by the decision of the ~~state historic preservation review~~
 5 ~~board~~ **LEGISLATIVE BODY OF THE LOCAL UNIT** may appeal the decision to
 6 the circuit court having jurisdiction over the historic district
 7 commission whose decision was appealed to the ~~state historic~~
 8 ~~preservation review board~~. **LEGISLATIVE BODY OF THE LOCAL UNIT.**

9 (3) In reviewing plans, the commission shall ~~follow~~ **CONSULT**
 10 the United States ~~secretary~~ **SECRETARY** of the ~~interior's~~ **INTERIOR'S**
 11 standards for rehabilitation and guidelines for rehabilitating
 12 historic buildings, as set forth in 36 ~~C.F.R.~~ **CFR** part 67, **UNLESS**
 13 **THE COMMISSION FINDS THAT A DIFFERENT STANDARD IS IN THE BEST**
 14 **INTEREST OF THE COMMUNITY.** Design review standards and guidelines
 15 that address special design characteristics of historic districts
 16 administered by the commission may be followed if ~~they are~~
 17 ~~equivalent in guidance to the secretary of interior's standards and~~
 18 ~~guidelines and are established or approved by the department.~~ **THE**
 19 **COMMISSION FINDS THAT THEY ARE IN THE BEST INTEREST OF THE**
 20 **COMMUNITY.** The commission shall also consider all of the following:

21 (a) The historic or architectural value and significance of
 22 the resource and its relationship to the historic value of the
 23 surrounding area.

24 (b) The relationship of any architectural features of the
 25 resource to the rest of the resource and to the surrounding area.

26 (c) The general compatibility of the design, arrangement,
 27 texture, and materials proposed to be used.



1 (d) Other factors **THAT THE COMMISSION FINDS RELEVANT**, such as
2 aesthetic value ~~, that the commission finds relevant.~~**AND THE**
3 **REASONABLENESS OF THE ADDITIONAL COSTS REQUIRED TO COMPLETE A**
4 **HISTORICALLY ACCURATE REHABILITATION.**

5 (e) Whether the applicant has certified in the application
6 that the property where work will be undertaken has, or will have
7 before the proposed project completion date, a fire alarm system or
8 a smoke alarm complying with the requirements of the Stille-
9 DeRossett-Hale single state construction code act, 1972 PA 230, MCL
10 125.1501 to 125.1531.

11 (4) The commission shall review and act upon only exterior
12 features of a resource and, except for noting compliance with the
13 requirement to install a fire alarm system or a smoke alarm, shall
14 not review and act upon interior arrangements ~~unless specifically~~
15 ~~authorized to do so by the local legislative body or unless~~
16 interior work will cause visible change to the exterior of the
17 resource. The commission shall not disapprove an application due to
18 considerations not prescribed in subsection (3).

19 (5) If an application is for work that will adversely affect
20 the exterior of a resource the commission considers valuable to the
21 local unit, state, or nation, and the commission determines that
22 the alteration or loss of that resource will adversely affect the
23 public purpose of the local unit, state, or nation, the commission
24 shall attempt to establish with the owner of the resource an
25 economically feasible plan for preservation of the resource.

26 (6) Work within a historic district shall be permitted through
27 the issuance of a notice to proceed by the commission if any of the



1 following conditions prevail and if the proposed work can be
2 demonstrated by a finding of the commission to be necessary to
3 substantially improve or correct any of the following conditions:

4 (a) The resource constitutes a hazard to the safety of the
5 public or to the structure's occupants.

6 (b) The resource is a deterrent to a major improvement program
7 that will be of substantial benefit to the community and the
8 applicant proposing the work has obtained all necessary planning
9 and zoning approvals, financing, and environmental clearances.

10 (c) Retaining the resource will cause undue financial hardship
11 to the owner when a governmental action, an act of God, or other
12 events beyond the owner's control created the hardship, and all
13 feasible alternatives to eliminate the financial hardship, which
14 may include offering the resource for sale at its fair market value
15 or moving the resource to a vacant site within the historic
16 district, have been attempted and exhausted by the owner.

17 (d) Retaining the resource is not in the interest of the
18 majority of the community.

19 (7) The business that the commission may perform shall be
20 conducted at a public meeting of the commission held in compliance
21 with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.
22 Public notice of the time, date, and place of the meeting shall be
23 given in the manner required by the open meetings act, 1976 PA 267,
24 MCL 15.261 to 15.275. A meeting agenda shall be part of the notice
25 and shall include a listing of each permit application to be
26 reviewed or considered by the commission.

27 (8) The commission shall keep a record of its resolutions,



1 proceedings, and actions. A writing prepared, owned, used, in the
2 possession of, or retained by the commission in the performance of
3 an official function shall be made available to the public in
4 compliance with the freedom of information act, 1976 PA 442, MCL
5 15.231 to 15.246.

6 (9) The commission shall adopt its own rules of procedure and
7 shall adopt design review standards and guidelines for resource
8 treatment to carry out its duties under this act.

9 (10) The commission may delegate the issuance of certificates
10 of appropriateness for specified minor classes of work to its
11 staff, to the inspector of buildings, or to another delegated
12 authority. The commission shall provide to the delegated authority
13 specific written standards for issuing certificates of
14 appropriateness under this subsection. On at least a quarterly
15 basis, the commission shall review the certificates of
16 appropriateness, if any, issued for work by its staff, the
17 inspector, or another authority to determine whether or not the
18 delegated responsibilities should be continued.

19 (11) Upon a finding by a commission that a historic resource
20 within a historic district or a proposed historic district subject
21 to its review and approval is threatened with demolition by
22 neglect, the commission may do either of the following **WITH THE**
23 **APPROVAL OF THE LEGISLATIVE BODY OF THE LOCAL UNIT:**

24 (a) Require the owner of the resource to repair all conditions
25 contributing to demolition by neglect.

26 (b) If the owner does not make repairs within a reasonable
27 time, the commission or its agents may enter the property and make



1 such repairs as are necessary to prevent demolition by neglect. The
2 costs of the work shall be charged to the owner, and may be levied
3 by the local unit as a special assessment against the property. The
4 commission or its agents may enter the property for purposes of
5 this section upon obtaining an order from the circuit court.

6 (12) When work has been done upon a resource without a permit,
7 and the commission finds that the work does not qualify for a
8 certificate of appropriateness, the commission may require an owner
9 to restore the resource to the condition the resource was in before
10 the inappropriate work or to modify the work so that it qualifies
11 for a certificate of appropriateness. If the owner does not comply
12 with the restoration or modification requirement within a
13 reasonable time, the commission may seek an order from the circuit
14 court to require the owner to restore the resource to its former
15 condition or to modify the work so that it qualifies for a
16 certificate of appropriateness. If the owner does not comply or
17 cannot comply with the order of the court, the commission or its
18 agents may enter the property and conduct work necessary to restore
19 the resource to its former condition or modify the work so that it
20 qualifies for a certificate of appropriateness in accordance with
21 the court's order. The costs of the work shall be charged to the
22 owner, and may be levied by the local unit as a special assessment
23 against the property. When acting pursuant to an order of the
24 circuit court, a commission or its agents may enter a property for
25 purposes of this section.

26 Sec. 9. (1) The commission shall file certificates of
27 appropriateness, notices to proceed, and denials of applications



1 for permits with the inspector of buildings or other delegated
 2 authority. A permit shall not be issued until the commission has
 3 acted as prescribed by this act. If a permit application is denied,
 4 the decision shall be binding on the inspector or other authority.
 5 A denial shall be accompanied with a written explanation by the
 6 commission of the reasons for denial and, if appropriate, a notice
 7 that an application may be resubmitted for commission review when
 8 suggested changes have been made. The denial shall also include
 9 notification of the applicant's rights of appeal to the ~~state~~
 10 ~~historic preservation review board~~ **LEGISLATIVE BODY OF THE LOCAL**
 11 **UNIT** and to the circuit court. The failure of the commission to act
 12 within 60 calendar days after the date a complete application is
 13 filed with the commission, unless an extension is agreed upon in
 14 writing by the applicant and the commission, shall be considered to
 15 constitute approval.

16 (2) Local public officials and employees shall provide
 17 information and records to committees, commissions, and standing
 18 committees, and shall meet with those bodies upon request to assist
 19 with their activities.

20 (3) The ~~department~~ **AUTHORITY** shall cooperate with and assist
 21 local units, committees, commissions, and standing committees in
 22 carrying out the purposes of this act and may establish or approve
 23 standards, guidelines, and procedures that encourage uniform
 24 administration of this act in this state but that are not legally
 25 binding on any individual or other legal entity.

26 Sec. 14. (1) ~~A~~ **EXCEPT AS OTHERWISE PROVIDED IN THIS**
 27 **SUBSECTION, A** local unit may at any time establish by ordinance



1 additional historic districts, including proposed districts
2 previously considered and rejected, may modify boundaries of an
3 existing historic district, or may eliminate an existing historic
4 district. ~~Before establishing, modifying, or eliminating a historic~~
5 ~~district, a historic district study committee appointed by the~~
6 ~~legislative body of the local unit~~ **WHEN CONSIDERING THE**
7 **ESTABLISHMENT OF AN ADDITIONAL HISTORIC DISTRICT OR THE**
8 **MODIFICATION OF THE BOUNDARIES OF AN EXISTING ONE, THE LOCAL UNIT**
9 **SHALL FIRST OBTAIN THE PETITION DESCRIBED IN SECTION 3(1) (A) BEFORE**
10 **THE LEGISLATIVE BODY OF THE LOCAL UNIT MAY APPOINT A HISTORIC**
11 **DISTRICT STUDY COMMITTEE OR AUTHORIZE THE SERVICES OF A RETAINED**
12 **INITIAL COMMITTEE, A STANDING COMMITTEE, OR A COMMITTEE ESTABLISHED**
13 **TO CONSIDER ONLY SPECIFIC PROPOSED DISTRICTS AND THEN BE DISSOLVED.**
14 **IF A COMMITTEE IS APPOINTED OR ITS SERVICES ARE AUTHORIZED BY THE**
15 **LEGISLATIVE BODY OF THE LOCAL UNIT, FURTHER CONSIDERATION OF THE**
16 **ESTABLISHMENT OF AN ADDITIONAL HISTORIC DISTRICT OR MODIFICATION OF**
17 **THE BOUNDARIES OF AN EXISTING ONE SHALL FOLLOW THE PROCEDURES SET**
18 **FORTH IN SECTION 3(1) (B) TO (D) AND THE COMMITTEE SHALL ALSO**
19 **CONSIDER ANY PREVIOUSLY WRITTEN COMMITTEE REPORTS PERTINENT TO THE**
20 **PROPOSED ACTION. WHEN CONSIDERING THE ELIMINATION OF A HISTORIC**
21 **DISTRICT, THE LEGISLATIVE BODY OF THE LOCAL UNIT MAY APPOINT A**
22 **HISTORIC DISTRICT STUDY COMMITTEE AND MAY DO SO WITHOUT THE**
23 **PETITION DESCRIBED IN SECTION 3(1) (A) FIRST BEING OBTAINED; THAT**
24 **COMMITTEE shall** ~~, except as provided in subsection (2),~~ **comply with**
25 **the procedures set forth in section 3-3(1) (B) TO (D) and shall**
26 **consider any previously written committee reports pertinent to the**
27 **proposed action; AND ANY ORDINANCE THAT THE LEGISLATIVE BODY OF THE**



1 LOCAL UNIT PASSES FOR PURPOSES OF ELIMINATING THE HISTORIC DISTRICT
 2 IS EFFECTIVE WITHOUT THE ELECTORS' APPROVAL DESCRIBED IN SECTION
 3 3 (1) (D) (ii) TO (iii) SUBSEQUENTLY BEING OBTAINED. To conduct these
 4 THE activities DESCRIBED IN THIS SUBSECTION, local units may,
 5 SUBJECT TO THE PETITION PROCEDURE REFERENCED IN THIS SUBSECTION,
 6 retain the initial committee, establish a standing committee, or
 7 establish a committee to consider only specific proposed districts
 8 and then be dissolved.

9 ~~—— (2) If considering elimination of a historic district, a~~
 10 ~~committee shall follow the procedures set forth in section 3 for~~
 11 ~~issuing a preliminary report, holding a public hearing, and issuing~~
 12 ~~a final report but with the intent of showing 1 or more of the~~
 13 ~~following:~~

14 ~~—— (i) The historic district has lost these physical~~
 15 ~~characteristics that enabled establishment of the district.~~

16 ~~—— (ii) The historic district was not significant in the way~~
 17 ~~previously defined.~~

18 ~~—— (iii) The historic district was established pursuant to~~
 19 ~~defective procedures.~~

20 (2) ~~(3)~~ Upon receipt of substantial evidence showing the
 21 presence of historic, architectural, archaeological, engineering,
 22 or cultural significance of a proposed historic district, the
 23 legislative body of a local unit may, at its discretion, adopt a
 24 resolution requiring that all applications for permits within the
 25 proposed historic district be referred to the commission as
 26 prescribed in sections 5 and 9. The commission shall review permit
 27 applications with the same powers that would apply if the proposed



1 historic district was an established historic district. The review
 2 may continue in the proposed historic district for not more than 1
 3 year, or until such time as the ~~local unit approves or rejects the~~
 4 establishment of the historic district ~~by ordinance,~~ **IS APPROVED OR**
 5 **REJECTED PURSUANT TO THE PROCEDURES SET FORTH IN SECTION 3 OR 14,**
 6 whichever occurs first.

7 (3) ~~(4)~~—If the legislative body of a local unit determines
 8 that pending work will cause irreparable harm to resources located
 9 within an established historic district or a proposed historic
 10 district, the legislative body may by resolution declare an
 11 emergency moratorium of all such work for a period not to exceed 6
 12 months. The legislative body may extend the emergency moratorium
 13 for an additional period not to exceed 6 months upon finding that
 14 the threat of irreparable harm to resources is still present. Any
 15 pending permit application concerning a resource subject to an
 16 emergency moratorium may be summarily denied.

17 (4) A HISTORIC DISTRICT IN EXISTENCE ON THE EFFECTIVE DATE OF
 18 THE AMENDATORY ACT THAT ADDED THIS SUBSECTION SHALL DISSOLVE 10
 19 YEARS AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED
 20 THIS SUBSECTION UNLESS THE QUESTION OF ITS RENEWAL IS SUBMITTED TO
 21 THE ELECTORS IN THE LOCAL UNIT AT THE REGULAR ELECTION IMMEDIATELY
 22 PRECEDING THE DATE THAT THE HISTORIC DISTRICT WOULD OTHERWISE
 23 DISSOLVE AND A MAJORITY OF THOSE ELECTORS VOTING AT THE ELECTION
 24 APPROVE THE RENEWAL OF THE HISTORIC DISTRICT. A HISTORIC DISTRICT
 25 ESTABLISHED UNDER THIS ACT OR RENEWED UNDER THIS SUBSECTION AFTER
 26 THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION
 27 SHALL DISSOLVE 10 YEARS AFTER THE DATE OF THAT ESTABLISHMENT OR



1 RENEWAL UNLESS THE QUESTION OF ITS RENEWAL IS SUBMITTED TO THE
2 ELECTORS IN THE LOCAL UNIT AT THE REGULAR ELECTION IMMEDIATELY
3 PRECEDING THE DATE THAT THE HISTORIC DISTRICT WOULD OTHERWISE
4 DISSOLVE AND A MAJORITY OF THOSE ELECTORS VOTING AT THE ELECTION
5 APPROVE THE RENEWAL OF THE HISTORIC DISTRICT. A RENEWAL APPROVED
6 UNDER THIS SUBSECTION IS EFFECTIVE ON THE DATE THAT THE HISTORIC
7 DISTRICT WOULD HAVE OTHERWISE DISSOLVED.

