



Approved

MINUTES
HISTORIC PRESERVATION COMMISSION
REGULAR SESSION
5:30 p.m.
Thursday, May 17, 2012
City Council Chamber, Historic Federal Building

Commissioners Present: Chairperson David Klavitter; Commissioners Chris Olson, Mary Loney Bichell, Joseph Rapp, Chris Wand and Bob McDonell.

Commissioners Excused: Commissioners John Whalen and Mitzi Krey.

Staff Members Present: Laura Carstens and David Johnson.

CALL TO ORDER: The meeting was called to order by Chairperson Klavitter at 5:35 p.m.

AFFIDAVIT OF COMPLIANCE: Staff presented an Affidavit of Compliance verifying the meeting was being held in compliance with the Iowa Open Meetings Law.

MINUTES: Motion by Wand, seconded by McDonell, to approve the minutes of the April 19, 2012 meeting as submitted. Motion carried by the following vote: Aye – Klavitter, Olson, Bichell, Rapp, Wand and McDonell; Nay – None.

PUBLIC HEARING/NATIONAL REGISTER NOMINATION: Application of Jim Jacobsen, History Pays! for a National Register of Historic Places District Nomination for the Upper Central Avenue Commercial Historic District located at 1460-1965 Central Avenue.

Staff Member Johnson reviewed the staff report. He explained the State Nominations Review Committee will consider the Upper Central Avenue Commercial Historic District for nomination to the National Register of Historic Places at their June 8, 2012 meeting. He explained the City of Dubuque is a Certified Local Government and therefore the Historic Preservation Commission reviews and comments on proposed National Register nominations. He noted the consultant who prepared the nomination has found the proposed district is locally significant under Criteria A and C. He explained Criterion A is a property that is associated with events that have made a significant contribution to the broad patterns of our history, and Criterion C is properties that are architecturally significant. He explained that unlike local historic preservation districts, there are no design review requirements for properties that are listed on the National Register of Historic Places. He explained properties listed on the National Register of Historic Places are eligible for financial incentives in the form of state and federal grants as well as historic tax credits.

The Commission invited the public to comment on the proposed National Register District.

Harold Koppes, 3472 Crestwood Drive, addressed the Commission. He explained he is the owner of the properties at 1889 and 1913 Central Avenue. Mr. Koppes requested further clarification on what being listed on the National Register of Historic Places means. He specifically questioned whether there would be any added restrictions or improvements required. He explained many of the units are currently in the Section 8 rental housing program and he has made significant investments in the properties and is subject to regular inspections by the Housing and Community Development Department. Staff and the Commission provided Mr. Koppes with information about the benefits of being listed on the National Register of Historic Places. Staff Member Johnson reviewed the financial incentives available to properties listed on the National Register. He clarified that the properties on the National Register are not held to a higher maintenance standard than any other property located in the City of Dubuque. He stated the National Register does not add any additional restrictions to a property owner, nor does it require improvements to be made to a property.

David Rafoth, 11875 Rupp Hollow Road, stated he owns two properties at 1736 Central and 1746 Central Avenue. Mr. Rafoth explained the investments he has made in his properties, and noted he is not in opposition to the proposed district. He asked if a National Register District is a precursor to establishing a local historic district. Staff and the Commission explained the two are separate processes with public review. Staff Member Johnson explained that should there ever be an interest in establishing a local historic district, all property owners would again be notified and given an opportunity to participate in the public input process. Mr. Rafoth expressed his support for the Upper Central Avenue Commercial Historic District.

David Witter, 2591 Old Country Lane, stated he owns the property at 1791 Central Avenue. He explained he has just begun a renovation project for the property and questioned the process for obtaining historic tax credits as well as other financial incentives that may be available. The Commission discussed the status of the project. Mr. Witter noted he has begun the project, but would be open to assistance. Staff explained that most programs, regardless of whether they are local, state or federal, require approval be in place prior to the work beginning. The Commission discussed the potential for phasing the project so funding could be pursued and financial assistance may be eligible from this point forward. Staff Member Johnson reviewed the historic tax credit program as well as local districts that may make the property eligible for assistance. He explained often times National Register Districts are catalysts for investment in neighborhoods. He distributed his business card to Mr. Witter and encouraged him to call him about potential funding sources.

Staff Member Carstens directed the Commission to three written comments provided in response to the proposed Upper Central Avenue Commercial Historic District. The

Commission noted Terry Mozena has provided a letter of support, and that Mary Pat Breitfelder and Fausto Gardini have provided letters supporting the district nomination, and respectfully request the nomination more clearly explain and delineate the contributions Luxembourgers and their descendants have made to the district. The Commission discussed the district nomination and noted the importance the nominations play in documenting the history of Dubuque and promoting investment in historic neighborhoods. The Commission was supportive and complimentary of the City's commitment to getting the Upper Central Avenue area listed on the National Register of Historic Places.

Motion by Wand, seconded by Bichell, to receive and file the comments received, and to recommend City Council approve the Upper Central Avenue Commercial Historic District as it meets Significance Criteria A and C, recommend the consultant further explore the opportunity to include Significance Criterion B, and transmit to the State Nominations Review Committee the written comments requesting the nomination further consider the contributions of Luxembourgers and other ethnic groups in the district. Motion carried by the following vote: Aye – Klavitter, Olson, Bichell, Rapp, Wand and McDonell; Nay – None.

REQUEST FOR RECONSIDERATION/DEMOLITION PERMIT IN CONSERVATION

DISTRICT: Application of Ted Stackis / Mike Mihalakis to reconsider the Demolition Permit for property located at 1760 Jackson Street in the Washington Neighborhood Conservation District.

Staff Member Johnson reviewed the staff report. He noted the applicant is requesting the Historic Preservation Commission reconsider the April 19, 2012 decision to deny the demolition permit for 1760 Jackson Street. He noted there were conflicting evaluations as to the significance of the building. He explained the Kriviskey Survey from the 1970s indicated the building was a non-contributing building, whereas the 2004 Jacobsen Survey indicated the building was a contributing building to a potential district. He explained by a vote of 2 to 3, the Commission determined the property was historically significant prior to demolition beginning. He explained the next step in the demolition process was to review the criteria for establishing whether a reasonable economic return can be earned from the property. He noted by a vote of 3 to 3, the Historic Preservation Commission failed to reach a consensus on whether a reasonable economic return could be earned from the property, which constituted denial of the demolition permit.

Staff explained in talking to the applicant, it was requested that the Historic Preservation Commission reconsider the decision to deny the demolition permit because the full Commission was not available to discuss and vote on the demolition permit application at the April 19th meeting and a consensus could not be reached on whether a reasonable economic return could be earned from the property.

Staff Member Carstens explained in order for the Commission to reconsider their decision, any Commissioner that voted on the prevailing side of the vote must make a motion to reconsider.

The Commission discussed the request to reconsider denial of the demolition permit. Staff Member Johnson clarified the Commission would be reconsidering whether the building had historic architectural significance as well as whether a reasonable economic return could be earned from the property.

The Commission discussed the request. The Commission noted they were asked to review the demolition permit requested based on the condition of the building prior to demolition beginning without the necessary permits and approvals. The Commission stated the most recent historic evaluation identified the building as being contributing to a potential National Register District, and therefore historically and architecturally significant to the community and neighborhood. The Commission stated the property owners could have earned a reasonable economic return from the property by selling the property. The Commission stated the property owners themselves explained they have not invested any money into the building in recent years, and by selling it they could have received a direct economic gain.

The Commission noted the underlying issue is that demolition of the property began prior to obtaining a demolition permit and approval by the Historic Preservation Commission. Commissioners noted that it is not the City's or Commission's responsibility to make amends for bad decisions. The Commission noted that as recently as seven years ago, the building was occupied and generating revenue. The Commission noted the property owner allowed the building to fall into disrepair. The Commission noted owning property is an investment and when things go wrong, it is a property owner's responsibility to fix them. The Commission stated it was the property owner's decision to gut the building and use it for storage purposes just like it's the property owner's decision to tear down the building to use it for a vacant lot. The Commission stated the hardship claimed by the property owner is self-imposed and it is not the hardship of the City, the citizens of Dubuque or the neighborhood. The Commission stated they did what they were asked to do based on the guidelines.

The Commission discussed the request for consideration. Staff Member Carstens clarified the Commissioners on the prevailing side of both votes were Klavitter, Olson and McDonell. Commissioners Klavitter, Olson and McDonell discussed revisiting the applicant and none of the Commissioners felt revisiting the application was warranted.

EDUCATION TASK FORCE

Update on Public Outreach and Education Program: Chairperson Klavitter explained there was no new information to update the Commission on as the Task Force has not met.

ITEMS FROM PUBLIC: None.

ITEMS FROM COMMISSION:

Demolition Permits: The Historic Preservation Commission discussed the process for the review of demolition permits in conservation districts. Staff Member Carstens clarified that based on past precedents, the process for review and approval of demolition permits in conservation districts was changed. She noted the Historic Preservation Commission now reviews and approves or denies demolition permits, and they no longer are forwarded to City Council except on appeal. Staff and the Commission noted that in almost every instance, the City Council concurred with the recommendation of the Historic Preservation Commission, and therefore it was more efficient for everyone to have the City Council as an appeals body rather than a part of the standard process. Staff Member Johnson confirmed that the Historic Preservation Commission reviews all demolition permit requests in historic and conservation districts regardless of the property's significance.

Historic Evaluations: Commission Rapp questioned whether the historic surveys and evaluations are available on the City of Dubuque website. Staff Member Johnson confirmed that all the reports and Iowa Site Forms are on the City website. He asked whether it is unusual for there have been two conflicting professional evaluations of a property. Staff Member Johnson stated that to his knowledge, this has never come up in the past. The Commission noted that over time, a building does have the ability to gain and lose architectural significance in conservation districts. The Commission noted that Kriviskey's evaluation of 1760 Jackson was based largely on the individual building rather than Jacobsen's evaluation which took into consideration not only the building's architectural significance, but also the contributions it makes to the block and neighborhood. The Commission noted that Jacobsen believed that if that building were removed, it would affect the historic character of the block and neighborhood.

Old House Enthusiasts Tour: Chairperson Klavitter reminded the Commission the Old House Enthusiasts Tour is May 19 & 20th.

NAPC Membership: The Commission discussed the NAPC's newsletter which provides articles and information related to historic preservation commissions. The Commission noted how beneficial and informative the newsletter is. Commissioner Wand clarified the newsletter is called the *Alliance Review*. Chairperson Klavitter asked whether the Historic Preservation Commission is a member of the National Alliance of Preservation Commissions, and could regularly receive the *Alliance Review*. Staff Member Carstens explained the Planning Services Department is a member and receives the *Alliance Review* bi-monthly, which is copied and forwarded to Commissioners in their monthly preservation packets.

Staff Approvals: The Historic Preservation Commission discussed two recent alterations to buildings that staff approved without design review by the Historic Preservation Commission. The Commission noted the chimney at 510 W. 11th Street that was removed as well as the window and door that were allowed to be switched on the building at 590 Arlington Street. The Commission stated the chimney that was removed should have been reviewed by the Commission since it was visible from Olive Street and W. 11th Street. The Commission noted the window and door that was switched on the building on Arlington Street should have been reviewed since it was a change in the design of the building.

Staff Member Johnson stated that he met with the property owner of 510 W. 11th Street and reviewed whether or not the chimney was visible from a public right-of-way. He noted he walked around the sides of the building; however, he did not take into consideration the visibility of the chimney from more distant right-of-way locations. He explained that he met with the property owner on Arlington Street and approved the door and window to be switched. He explained in evaluating the building and project, consideration was given to the fact that the building was an in-fill project, and not a historic structure or a structure which contributed to the district. He noted the window and door replacement were consistent with the guidelines. He explained the new window was identical to all the existing windows on the building, and in horizontal and vertical alignment with other windows on the same façade. He explained the door was also in alignment with other openings on the same façade.

The Commission discussed the benefits, challenges and scope of approvals for Planning Services staff. The Commission noted a policy that more clearly outlines the scope of approvals could be beneficial to staff in working with the public and making decisions. Staff Member Johnson explained he regularly meets with property owners in historic districts to discuss exterior improvements to their properties. He noted oftentimes the proposed work is relatively simple and consistent with the architectural guidelines and staff will sign-off on the project. He reviewed that staff and the Historic Preservation Commission does not have the ability to review exterior changes that do not require a building permit or are not visible from a public right-of-way.

Staff Member Johnson stated staff's ability to sign-off on projects is an important component of the City's Historic Preservation Program. He noted the great strides the Historic Preservation Commission and Education Task Force have made in their public outreach and how the Historic Preservation Program is perceived throughout the community. He explained that a property owner's ability to make modest improvements to their building without meetings and delays are a component of that positive perception. He noted the City has registered more properties which often times come with additional design regulations. He noted the Historic Millwork District, Downtown Design Guidelines and the expansion of the Washington Neighborhood Conservation District as examples. He explained the added regulation does not come with additional

time and therefore keeping an open mind about the types of projects staff can approve would be beneficial.

The Commission discussed the best approach to discussing staff approvals. By consensus, the Commission agreed the issue should be placed on a future Commission agenda that does not have a lot of items on it. Staff agreed to do a quick review of typical projects that staff and the Historic Preservation Commission review.

ITEMS FROM STAFF:

Building Services Historic Preservation Enforcement Report Update: Staff noted the report has not been updated.

ADJOURNMENT: The meeting adjourned at 6:55 p.m.

Respectfully submitted,



Laura Carstens, Planning Services Manager

Adopted—June 21, 2012