



NATIONAL TRUST FOR HISTORIC PRESERVATION

9/12/11

Mr. Kenneth Jendryka
Hospital and Neighborhood Committee
c/o Marshall Town Hall
323 West Michigan Ave.
Marshall, MI. 49068

Dear Mr. Jendryka,

Thank you for providing Michigan Historic Preservation Network (MHPN) and the National Trust for Historic Preservation (NTHP) with the Hospital and Neighborhood Committee's (HNC) recommendations for the proposed Hospital Campus Overlay District (HCOD). We appreciate the opportunity to comment. According to the City's website, the HNC was formed to identify problems between the community and hospital on future hospital expansions and to provide a plan to accommodate hospital expansion that is satisfactory to the community and to the hospital. As indicated in the Executive Summary and Recommendations, the problems have been identified as the affect of this expansion on historic buildings in the surrounding area. This situation is complicated due to the many interested parties involved, (i.e. neighborhood, downtown, City, hospital) as well as the short and long term effects of these proposed plans. As communities evolve, it's often difficult to recognize how one change will ultimately affect another one, and we believe the framework for these changes needs be clearly defined and regulated in order to best serve the Marshall community.

Regarding the proposed HCOD ordinance, we have several recommendations. Due to the significant amount of intact historic properties in and around the proposed overlay district, we recommend that historic preservation language be incorporated in the overlay district ordinance. These historic buildings, individually and collectively represent an important era in the City's development and Michigan history. Preservation language would establish guidelines that would enable the City, Hospital, and HNC to be stewards for their preservation and show a good faith effort to protect and preserve these historic buildings. Ultimately, the inclusion of preservation language will enhance property values, neighborhood stabilization, and attract residents, tourists and visitors to support the economy of Marshall.

This preservation language includes the Secretary of the Interior Standards for Rehabilitation, which are ten broad guidelines that assist the long-term preservation of a property's historic materials and features. They are universally accepted and have been widely used over the years for many types of preservation projects. The

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Michigan Historic Preservation Network is the statewide preservation organization for Michigan. MHPN partners with the National Trust for Historic Preservation, the country's largest private, nonprofit preservation organization. As partners, both organizations are dedicated to protecting the irreplaceable and providing leadership, education, advocacy and resources to save Michigan's diverse historic places and revitalize communities.

Standards apply to historic buildings of all materials, construction types, sizes and occupancy, and are applied to rehabilitation projects in a reasonable manner, taking into consideration economic and technical feasibility. The incorporation of these Standards has been successfully implemented in many other Michigan communities with overlay districts, including Bay City and Grand Haven and we encourage you to review their ordinances as possible models for Marshall.

We would also like to address sections 2, 3 and 4 of the Development Agreement regarding the moving and razing of historic buildings. This proposal does not clearly identify how the Hospital and NHAC will make their determinations regarding whether a building will be moved or razed. Because these actions are permanent, and are the source of much of the controversy within the community, detailed guidelines would help to clarify how, when and where these actions will occur. In some cases, we also suggest consulting with a professional historic architect, consultant or contractor who can assist the Hospital and NHAC with these important decisions. These professionals are familiar with how to assess historic buildings for their condition, rehabilitation needs, and adaptive reuse opportunities and can provide helpful recommendations and guidance as needed. We also recommend that special care be taken to effectively promote it to prospective buyers. When listing a building for sale, it typically takes 6-9 months to sell and we recommend that an equitable amount of time such as this be allowed for a potential buyer to come forward. Also, widely promoting it for sale through various media and the assistance of a Multiple Listing Service will help to ensure a potential buyer. Because this is a last resort to preserving historic buildings and will have a lasting impact on the community, we highly recommend additional criteria and direction for the NHAC and Hospital to make these important decisions.

Although we suggest these additions to the proposed overlay district, a local historic district would provide additional benefits and we strongly recommend that this be considered as an alternative. In 1970, the State of Michigan passed PA 169, which specifically addresses the protection of historic resources:

AN ACT to provide for the establishment of historic districts; to provide for the acquisition of certain resources for historic preservation purposes; to provide for preservation of historic and nonhistoric resources (buildings) within historic districts; to provide for the establishment of historic district commissions; to provide for the maintenance of publicly owned resources (buildings) by local units; to provide for certain assessments under certain circumstances; to provide for procedures; and to provide for remedies and penalties.

History: 1970, Act 169, Imd. Eff. Aug. 3, 1970; ³/₄Am. 1986, Act 230, Imd. Eff. Oct. 1, 1986; ³/₄Am. 1992, Act 96, Imd. Eff. June 18

The specific purpose of this legislation is to do one or more of the following:

- (a) Safeguard the heritage of the local unit by preserving 1 or more historic districts in the local unit that reflect elements of the unit's history, architecture, archaeology, engineering, or culture.
- (b) Stabilize and improve property values in each district and the surrounding areas.
- (c) Foster civic beauty.
- (d) Strengthen the local economy.
- (e) Promote the use of historic districts for the education, pleasure, and welfare of the citizens of the local unit and of the state.

This legislation declares historic preservation to be a **public purpose** and provides the legislative body of a local municipality the authority to regulate the construction, addition, alteration, repair, moving, excavation, and

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demolition of resources in historic districts within the limits of the local unit. These reviews are conducted by a historic district commission (HDC), which is appointed by the City Council and composed of city residents with an interest in or knowledge of historic preservation. This would be similar to HNC's proposed oversight committee, with the inclusion of regulatory responsibilities.

Since 1970, over 75 Michigan communities have recognized the value of PA 169 and adopted a local historic district ordinance. This ordinance not only has allowed them to preserve their local historic buildings, but also to effectively manage the changes that naturally occur in historic areas. It also allows local residents to play an active role in determining how these changes will be made and their ultimate impact on the community. Their decisions are based on the *Secretary of the Interior Standards for Rehabilitation*, the ten broad guidelines mentioned previously. Activities such as demolition and the moving of historic resources may occur in local historic districts, and may be approved by the HDC if these actions are necessary to substantially improve or correct specific conditions. This may include a building that is a deterrent to a major improvement program, which will be of substantial benefit to the community, or that retaining the historic resource is not in the interest of the majority of the community. The strength of local historic districts is that they are **locally managed**, which allows residents to determine the substantial benefits of these changes and their effect on the majority of the community.

If the HDC determines that it's in the best interest of the community to remove a historic building, they could play a key role in helping to facilitate this action. In addition to serving as a regulatory entity, the HDC is also charged with providing preservation advice and education, which can include developing a resource list of contractors and materials, sponsoring seminars and workshops about preservation practices, and providing recommendations on various preservation-related activities. By taking an active role in offering preservation education and guidance, the HDC can provide innovative and workable solutions that will be beneficial to the historic districts as well as the entire community.

The proposed HCOD is a zoning ordinance, and it is unclear whether Michigan's zoning enabling act gives a planning/zoning board the authority to undertake design review that is not related to land use or to the promotion of public health, safety, and welfare. In comparison, Michigan's PA 169, specifically addresses these issues and gives local communities legal authority to make decisions to ensure the protection of their historic buildings. This 40 year old legislation has been tested and proven, and MHPN and NTHP strongly recommends that the HNC and Marshall leadership and citizens consider the adoption of PA 169 as the most suitable legislation to protect its rich built heritage.

Sincerely,



Nan Taylor
Field Representative
Michigan Historic Preservation Network and National Trust for Historic Preservation

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