



AGENDA
HERITAGE PRESERVATION COMMISSION
ONE CITY HALL PLAZA, CHASKA CITY HALL, COUNCIL
CHAMBERS
Tuesday, October 30, 2018
7:00 PM

- 1 Call to Order
- 2 Roll Call
- 3 Adopt Agenda
- 4 Visitor Presentation
- 5 Approve Previous Meeting Minutes
 - 5A Approve the Minutes from the Sept 4, 2018 HPC Meeting
- 6 Consent Agenda
- 7 Discussion Items
 - 7A Review the Pinnacle Concept Plan in Relation to the Historically Designated Henry Hammers House/Saloon Building on the Property
- 8 Action Items
- 9 Other Business
- 10 Adjourn



City of Chaska

Memorandum

To: Heritage Preservation Committee
From: Elizabeth Hanson, City Planner
Subject: Minutes from September 4, 2018, HPC meeting

1. Call to Order
The meeting was called to order at 7:05 pm.

HPC members present: Sandra Kelley, Kristine Kohman, Margaret Morris, and Scott Welvaert.

HPC members absent: Gregg Davies, Dan Madsen, Russel St. John

Staff present: Elizabeth Hanson – City Planner
2. Roll Call
Roll call was taken.
3. Adopt the Agenda
A motion by Commissioner Morris, second by Commissioner Welveart to adopt the agenda.

Motion carried.
4. Approve HPC minutes
A motion by Commissioner Welveart, second by Commissioner Morris, to approve the December 5, 2017, HPC minutes.

Motion carried.
5. Review the Pinnacle Concept Plan in Relation to the Historically Designated Henry Hammers House/Saloon Building on the Property

City Planner Hanson gave the HPC a presentation of the project.

Pulte Homes Developer Paul Heuer gave a presentation of the project.

Commissioner Morris stated that two historic farmhouses in Chaska have already been preserved and incorporated into developments successfully. She stated that it would be important in trying to save the structure because Chaska was built on a strong farming community.

Mr. Heuer responded in saying that there is no reason to keep the structure if the studies show that there is no historical integrity left.

John Hammers stated that the Hammers Saloon is deteriorating rapidly. They used to rent it out but it cost too much to fix major repairs inside the building and therefore they no longer lease it. He also stated that the proposed redevelopment of the Hammers site would be an improvement to the area, and the Hammers Saloon would be a deterrent to such development.

Mike Hammers, 1558 Sunshine Circle, stated that restoring the Saloon would cost a lot. The interior stairs are very unsafe. Incorporating the home into the development would stick out like a sore thumb. As an alternative, a plaque could be created and installed in the development to commemorate the Saloon.

The HPC decided that the next best step would be to visit the Saloon to see what the physical conditions are like prior to providing guidance on the structure.

The City Planner indicated that they will get something set up with the developer to do so.

6. Other Business

City Planner gave the HPC an update on the City Square West project.

City Planner informed the HPC that there will be a public Open House regarding the 2040 Comprehensive Plan on Thursday, September 13, in the Council Chambers from 6:00pm-7:30pm to see updates on the Land Use and Parks/Trails sections of the Plan.

7. Adjournment

Motion by Commissioner Kelley, second by Commissioner Welveart to adjourn the meeting at 7:57 pm.

Motion carried.



City of Chaska Memorandum

To: Heritage Preservation Committee
From: Elizabeth Hanson, City Planner
Date: October 17, 2018
Subject: 10/30/2018 HPC Meeting

Our last meeting occurred on September 4, 2018. At this meeting we discussed the historic Hammers Saloon/House and your initial reaction to the developer's wishes with the historic property. Staff also gave you an update of the City Square West project. Tonight we have an update the latest task force meetings and where the project is at. Tonight we are also bringing back discussion on the Hammers Saloon/house.

City Square West

The City has since had 6 task force meetings, one open house, and one joint work session (October 29th) for this project.

The City Square West project was kicked off with its first Task Force meeting that occurred on January 24, 2018. Dan Madsen, as representative from the HPC, attended this meeting. The background of the overall project was discussed and initial feedback was presented by the Task Force. The Task Force was given homework to come up with any other objectives they feel are necessary for this project.

The second Task Force meeting occurred on March 7, 2018. The purpose of this meeting was to look at multiple uses and layouts of the block to determine what seems to make sense. The task force will be asked to give feedback to the consultants on things they like and do not like on the block based on the multiple scenarios provided.

The third Task Force meeting occurred on April 25, 2018. The purpose of this meeting was to consolidate the feedback received from the task force members on the different scenarios/concepts for the block. The consultant team used this consolidation of feedback to narrow down preferred concepts. Staff also gave updates on a couple studies that were completed and are potentially being looked at.

The fourth Task Force meeting occurred on August 15, 2018. The purpose of this meeting was to give updates on a survey completed, which was done by the Musicant Group. The Musicant Group specializes in creating engaging public spaces. Their purpose of the survey they conducted was to get feedback from Chaska residents on what they would like to see in downtown Chaska. Another update provided at this meeting was to show a couple more details in the concept, which included looking at other sites for the library.

A Public Open House was also held on August 22, 2018. The boards that were presented to the Task Force at their latest meeting were being shown at this Open House, including the Survey conducted by the Musicant Group. About 15 community members showed up at this meeting wanting to learn more about the project. The community members were asked to give feedback on the potential library sites being looked at.

The fifth Task Force meeting occurred on September 19, 2018. The purpose of this meeting was to discuss and look at some of the refinements of the block's design as it relates to the

paseo and public plaza areas. The Task Force also discussed the potential alternative library sites further and concluded that the top three potential locations were the Moravian Church site, the Guardian Angels site, and the DMV site.

The sixth, and final, Task Force meeting occurred on October 16, 2018. The purpose of this meeting was to look at a more refined programming of the City Square West block as it relates to residential, commercial, the paseo, and the public plaza. The results of the Musicant's survey shared at the fourth Task Force meeting were utilized to show how the paseo and public plaza could be programmed to meet the desires/needs of the community. The Task Force also reviewed the three desired alternative library sites; their discussion ultimately led to the DMV site and Guardian Angels sites being the most desirable alternative locations for the library.

There will be a joint work session on Monday, October 29th in the City Council Chambers from 6:00pm-8:00pm to hear an update on the City Square West project. *It would be beneficial to attend this work session if you are able.* An update of this work session will be given at the upcoming HPC meeting.

Henry Hammers Saloon/House – Pinnacle Concept Plan

Since our last official meeting on September 4, 2018, we have had the chance to tour the historic Hammers Saloon inside and out, with the help of the developer Paul Heuer, and his hired professionals Bob Claybaugh and John Lauber.

To recap, the City is currently working with a developer on a Concept Plan for an active adult (55+) residential development on the Hammers property at 1084/1092 Cardinal Street, which was subsequently approved by Planning Commission and City Council in September of this year. This property is currently 86 acres in size and encompasses a locally designated historic structure, the Henry Hammers Saloon/House. Tonight we (City and developer) will be continuing discussion on the project. The developer has indicated in their concept plan narrative that they wish to demolish the structure.

The developer has also engaged architect Bob Claybaugh of Claybaugh Preservation Architecture, Inc. and architectural historian John Lauber of John Lauber & Company LLC (former Education and Preservation Outreach Coordinator for the Minnesota Historical Society), who were both present at the recent site tour. Claybaugh and Lauber prepared the attached letter dated August 1, 2018. In sum, their findings indicate that the building is not a good candidate for preservation/restoration. The developer has thus taken the direction of these professionals and is requesting to demolish the structure.

The purpose of tonight is to discuss the tour of the house completed on October 10th, the parameters of the project and its effect on this historic structure, and hopefully provide guidance on how to continue moving forward with the project/Henry Hammers Saloon building.

Background

The HPC has already reviewed and denied a demolition permit for the Henry Hammers Saloon in 2004. I have included staff's report as a supplement tonight, which is helpful in understanding the historic significance of the structure, the background of the request and staff's recommendation (the HPC did vote to deny the Demolition request). In sum, the demolition request was denied based on the findings that demolition is not necessary to correct an unsafe or dangerous condition on the property, is not necessary for a major redevelopment that is of substantial benefit to the community, will not cause an undue and

unreasonable financial hardship to the owner, and there are reasonable alternatives to demolition of the building that have not been adequately explored.

I am also attaching the local nomination summary for this structure, which was done in 1996. This is the information that was provided at the time the structure was added to the local nomination list for historic properties.

The Hammers Property is guided in the City's Comprehensive Plan for Low Density Residential. This property has been slated for development for some time. The family of the property now has a developer, Pulte Homes, interested in developing the site.

Staff Analysis/Recommendation Thus Far

The site tour completed was helpful in understanding the physical conditions/characteristics of the home/saloon. It was apparent that the home is in a deteriorating condition and has numerous items to fix in order for it to be usable. The City's Building Official was also able to visit the home and prepare a list of building items that need fixing and their estimated costs; this is an attachment to this memo (please note this is coming from a Building Official and not a structural engineer; a structural engineer would be able to give a more technical analysis to what is failing/needing repairs from a safety standpoint). The City also reached out to Carver County to understand the valuation of this structure as it relates to the estimation of repairs. The value of this home is appraised at \$13,800 according to the County's information, which means the repair costs will be at least 7x the total value of the home.

The City of Chaska's Heritage Preservation Ordinance Chapter 10.5, Section 33 Regulation of Demolition and Relocation lists out Primary and Secondary Matters to consider for Demolitions/Relocations. At least one of the primary matters must be met in order for the Commission to approve a demolition of a historic resource. I have attached and highlighted this section of the ordinance for reference. Based on these factors, the developer has indicated in their report that their requests meet criteria 6a) and 6d) of the primary considerations. These pertain to a) Retention of the resource constitutes a hazard to public safety that cannot be eliminated by economic means available to the owner, including the sale of the structure on its present site to any purchaser willing to preserve the structure; and d) Retaining the resource is not in the interest of the majority of the community. Staff would ask that these considerations be expanded on further in the formal Demolition application process in order for staff to conclude that these factors apply and are valid; particularly as it relates to item 6a) and how the resource cannot be fixed/sold by the developer alone. In addition to that, I will be asking the HPC tonight if criteria 6d) is applicable.

It should be noted that the difference this request would have versus the one made in 2004 is that there is a Concept Plan that has been approved for this site. This is a major redevelopment project that will develop the remainder of the area (Hammers Property) for an active adult (55 years and older) community, which can be seen as a substantial benefit to the community. This could mean that the demolition could be valid under criteria 6b). Again, the developer will have to expand on this in their demolition application.

It should also be noted that as you look at the Concept Plan for this project, the house will more than likely be impacted with the necessary infrastructure needed to serve this development; i.e. the Hwy 41 access and main drive in to the development, and the re-alignment of Cardinal Street. Thus, the structure will have to be moved in some way.

As an initial analysis staff has listed out the **positives and negatives** the historic resource would have on being preserved:

Positives:

- The physical structure will be preserved, which also preserves the memory and history that has occurred within such structure
- This structure is one of the last remaining original farmhouses/saloons in Chaska, and if preserved would help preserve some of Chaska's dwindling rural heritage
- The structure could be a unique and integral piece in the new development showcasing what once was on this property
- Preserving the structure could mean an opportunity to bring the structure closer to its original state/appearance

Negatives:

- The economic cost to repair this home to working order would more than likely be more than the home is worth
- In addition to the previous item, the home has been severely altered with building additions and different window placements; in order to get the home back to its original state it would require additional work and economic investment; it would also require that modern solutions be implemented to replace what used to be there
- There is no end plan on how the home will be used and thus could be a detriment for its long-term sustainability/maintenance; the developer has indicated that they do not see a need to reuse it
- The impact of the development and its improvements will have a physical impact on the structure, having to move it somewhere else on site (moving it could damage the structure more than it is currently)

Please note, the developer has not applied for a demolition application (Site Alteration Permit) with the HPC yet, as they are trying to get a good understanding of the City's direction on the historic structure before going down any specific avenue. If they do proceed to request demolition then this project will be in your hands again as a more formal application that will require your approval or denial of such request. It should be noted that if demolition is pursued, then the applicant will have to obtain approval of a Site Alteration Permit for Demolition by the HPC before they proceed to submitting a preliminary plat and rezoning application of the development with the City.

HPC Direction/Recommendation

Please note, as an HPC you are NOT making a motion to approve or deny the project at tonight's meeting, rather your involvement tonight will be to discuss the recent tour, discuss the parameters of the Concept Plan and provide guidance to the developer on how to proceed with the historic Hammers Saloon.

In addition to that, I would ask that you make the following determinations tonight:

- Whether or not you believe that retaining the resource is or is not in the interest of the community; and
- Whether or not you would support a demolition request
- Whether or not you need more information to make a decision on considering a demolition permit, such as but not limited to:
 - A reuse study
 - A relocation study
 - A structural engineers report on the condition of the structure and a cost estimate to fix the necessary repairs

In the event that you feel demolition is an acceptable, please start to think about acceptable alternatives for preserving the history of this site/structure in other forms. This could be along the lines of, but not limited to:

- Preservation of some of the original materials of the structure (i.e. rock wall foundation, frieze board, chimney, brick, siding); how could these materials be utilized to create a unique memento on the site
- Utilization of an informational plaque on the site near the original footprint of the structure that accounts the history of the site and structure (see pictures below for examples)
- Preparation of a historic property record that recounts the history and provides historic and present photographs of the site that once was before the development that could be filed at the City and Historical Society



Enclosures:

Meeting Agenda (10-30-18)

Meeting Minutes (9-4-18)

Pinnacle Concept Plan, Narrative & Architect letter

HPC Report on Hammers Saloon Demolition (2004) & Previous Meeting Minutes

Hammers Saloon Local Nomination Description

Carver County Property Card – 1084 Cardinal Street

Chaska's Section 10.5 Heritage Preservation Ordinance



October 5, 2018

City of Chaska
Liz Hanson, City Planner
Heritage Preservation Commission
One City Hall Plaza
Chaska, MN 55318-1962

RE: Hammers Home

Dear Liz and the Heritage Preservation Commission:

We are writing this letter as a follow up to the September 4, 2018 Heritage Preservation Commission meeting regarding our concept plan application for Pinnacle. Our goal with this letter is to provide an update and to more clearly and concisely outline the background and facts based on our research and findings.

Background & Context

We first started looking closely at the Hammers property in October 2017. We researched City ordinances, the City Comprehensive Plan, and physical traits of the property. We also met with City staff multiple times and through conversations with City staff learned about the Hammers home being placed on the local heritage register sometime in the past. Early on in this process, we requested the historic documentation that led this home to be placed on the register. We wanted to gain a full understanding of the origin of placing this home on the register. Unfortunately, despite months of searching for background documentation, very little documentation was found about the home. It has become apparent that this home was placed on the register without any physical inspection of the interior of the home. This is in no way a criticism. We are not well versed on the standards for creating a historic register. However, this has become a key fact discovered during our due diligence process.

Our Approach

Our goal was to hire the best and most credible expert to inspect/survey the home. We find in our day to day work that identifying the facts honestly and early is best for all parties. We asked City staff if there were historic preservation experts that the

Commission has dealt with in the past and had been impressed with. Two names were given to us:

Bob Claybaugh, Claybaugh Preservation Architecture Inc.

John Lauber, John Lauber & Company LLC and former Education and Preservation Outreach Coordinator for the Minnesota Historical Society.

After researching and talking to Bob and John, it was clear to us that they are highly experienced and credible professionals. We hired both to inspect/survey the home as a team. Their report is attached to this letter.

Survey Findings

The conclusion of the survey states:

“Although the historic core of the Hammers House remains in place, extensive alterations over time have removed a large amount of original architectural fabric, destroyed character-defining features such as the original open porch, largely obscured the original main volume, and significantly compromised the structure’s historic integrity. It is our opinion that the property bears little resemblance to its appearance during Chaska’s formative years, and no longer retains the physical features necessary to convey its significance as a congenial wayside for travelers passing through the rural landscape of Carver County during the second half of the nineteenth century.”

In addition, the condition of the structure is also severely compromised:

“Doorways on the upper level are badly racked, and floors are uneven, indicating that the structural spine of the building has sagged significantly.”

Conclusions

Based on the historical heritage of the Hammers home, it may have been logical to add this resource to the local register. However, a survey of the property was apparently never completed during the time that this decision was made. We believe that if a survey would have been completed at that time, this home would not have been placed on the register.

Since the home was placed on the register, it would be natural for people to assume that a survey had been completed and that the architectural integrity of the home remained and that the condition of the home was decent. However, none of these turned out to be true.

A survey/inspection of the property has finally been completed. It has been performed by highly experienced professionals with strong credentials. Their findings indicate that the historic value of the home has been compromised to the extent that restoration

would not be a worthwhile undertaking. Their findings also indicate that the condition of the structure is very poor (and may even be a public safety issue).

Commission Action

On September 4, 2018 the Heritage Preservation Commission held a meeting at which time the Hammers home was discussed. Some commissioners were not in attendance. The outcome of the meeting was that the Commission would tour the home. In response, we have worked with City staff to schedule a tour of the home on October 10th at 5:30 pm. We have arranged to have Bob Claybaugh and John Lauber at the home to provide a tour and to answer any questions.

The Commission will then discuss the Hammers home at a later official meeting.

The City's Heritage ordinance indicates that the Commission shall use primary criteria for review of a demolition permit. It appears that this resource meets one (6d) and perhaps two of the criteria for demolition approval:

6a – *“Retention of the resource constitutes a hazard to public safety that cannot be eliminated by economic means available to the owner, including the sale of the structure on its present site to any purchaser willing to preserve the structure.”*

6d – *“Retaining the resource is not in the interest of the majority of the community.”*

Based upon the new findings of fact regarding the Hammers home, if our residential development proceeds, we plan to apply to demolish the Hammers home. At such time that the Heritage Preservation Commission meets again to discuss the Hammers home, we will be requesting approval from the Commission to demolish the home.

Please call me at 952-229-0722 or email me at paul.heuer@pultegroup.com with any questions.

Sincerely,
Pulte Homes of Minnesota, LLC



Paul Heuer
Director of Land Planning & Entitlements



John Lauber and Company LLC

1 August 2018

Paul Heuer

Pulte Homes
7500 Flying Cloud Drive
Suite 670
Eden Prairie, MN 55344

Dear Mr. Heuer—

On 30 May of this year, you wrote an email to Bob Claybaugh, seeking qualified historic preservation professionals to evaluate the condition and physical integrity of the Henry Hammers home/saloon, built ca. 1873, and located at 1092 Cardinal Street in Chaska. In your query, you included a copy of Chaska's Historic Preservation Ordinance as well as an undated early historic photo of the property, taken when it served as a saloon for travelers on the Chaska-Victoria Road. Bob agreed to take a look at the property and asked me to participate in the evaluation. Bob and I have collaborated on dozens of historic preservation projects over the past two decades. We both exceed the Secretary of the Interior's Professional Qualification Standards for Historic Preservation Professionals—Bob as a historical architect, and me as a historian/architectural historian.

Bob and I met you at the site on 14 June and examined both the interior and exterior of the house. We completed our investigation in approximately one hour, documenting conditions with photos and field notes. Our comments here are based entirely on information gleaned from the historic photo and architectural evidence from our field visit.

According to the historic photo, the Hammers house as originally built consisted of a two-story, wood-framed main volume with a rectangular plan and a front-gabled roof. A small one-story wing with a gabled roof and an open front porch was attached to the south side of the main volume. The house had clapboard siding with corner boards. There was a wide skirt board at the base of the wall, and a wide frieze board beneath the eaves. The structure had a wood-shingled roof. A tall chimney with a corbel band rose above the peak of the main roof, and a similar chimney rose from the peak of the wing. There were two entrance doors on the east side of the house, one located beneath the open porch, and the other at the southeast corner of the main house. Windows openings shown in the photo contained wood, 6/6 double-hung sash. The front edge of the porch roof was supported by slender wood columns and had a scrollwork frieze beneath the eaves. A long, raised stoop built of wood and stone stretches across the full width of the façade.

The Hammers house was locally designated in 1996 for its association with Chaska's early development and culture. It is listed as a designated property in a historic context study completed for the Preservation Commission in 2006. The structure is not listed on

the National Register of Historic Places. An application to demolish the house submitted in 2004 was denied by Chaska's Historic Preservation Commission.

Our investigation of the property revealed a number of things about the Hammers House:

- The original one-story wing projecting from south side of the main volume has been greatly altered and expanded—replaced by a large, gabled addition that rises to a height of 1½ stories and wraps around the main volume, extending the full width of the west side. The size and configuration of the addition are delineated in photos 3-6 of the accompanying illustrations. Architectural evidence in the attic of the addition shows that it incorporates part of the original south wall and suggests that it may also incorporate part of the original front wall, but also demonstrates the magnitude of the alterations. (See Photos 17-20).

- Materials and details visible on the addition, including the use of smooth-sided dimensional framing lumber in the attic, boxed soffits, and metal siding corners are consistent with mid-20th century construction practices. A historic aerial view of the site (Photo 2) shows that the addition was in place by 1951. Window openings on the south side of the addition and a band of windows on the west side bear no relation to openings on the original building. The addition has no chimney. The porch on the new addition is partially enclosed and lacks the columns and ornamental frieze board of the original.

- Although the original front-gabled two-story main volume of the house remains in place, it has been significantly altered. The original entrance door at the southeast corner has been filled in, as have two original window openings on the lower level. The original skirt board at the base of the wall is absent. No splices are visible where the clapboard siding passes over the original window openings, suggesting that the façade has been re-sided. As noted above, the west side of the original volume is hidden behind the addition.

- The early photo of the residence shows that all window openings contained 6/6 wood double-hung sash. At present, most openings contain 1/1 wood double-hung sash. One opening on the upper level of the east side, and another on the lower level of the south side contain 2/2 double-hung sash, typical of late 19th and early 20th century buildings. The two original windows on the lower level of the façade have been replaced by a double casement unit of recent manufacture. The only opening still containing 6/6 sash is centered in the gable on the west side.

- The original interior layout of the main volume appears to have remained intact, but few original interior features (baseboards, trim, etc.) remain. Doorways on the upper level are badly racked, and floors are uneven, indicating that the structural spine of the building has sagged significantly.

- The original raised wood and stone stoop on the east side of the building has been removed.

Conclusion

Although the historic core of the Hammers House remains in place, extensive alterations over time have removed a large amount of original architectural fabric, destroyed character-defining features such as the original open porch, largely obscured the original main volume, and significantly compromised the structure's historic integrity. It is our opinion that the property bears little resemblance to its appearance during Chaska's formative years, and no longer retains the physical features necessary to convey its significance as a congenial wayside for travelers passing through the rural landscape of Carver County during the second half of the nineteenth century.

Regards,

A handwritten signature in dark ink that reads "JOHN LAUBER". The signature is written in a cursive, slightly stylized font with a large initial 'J' and a long, sweeping underline.

John Lauber
Robert Claybaugh



Photo 1. Aerial view of the site, 2018.



Photo 2. Aerial view of the site, 1951. The addition is shown in this photo.



Photo 3. Birdseye view, showing south and east elevations. Addition is outlined.

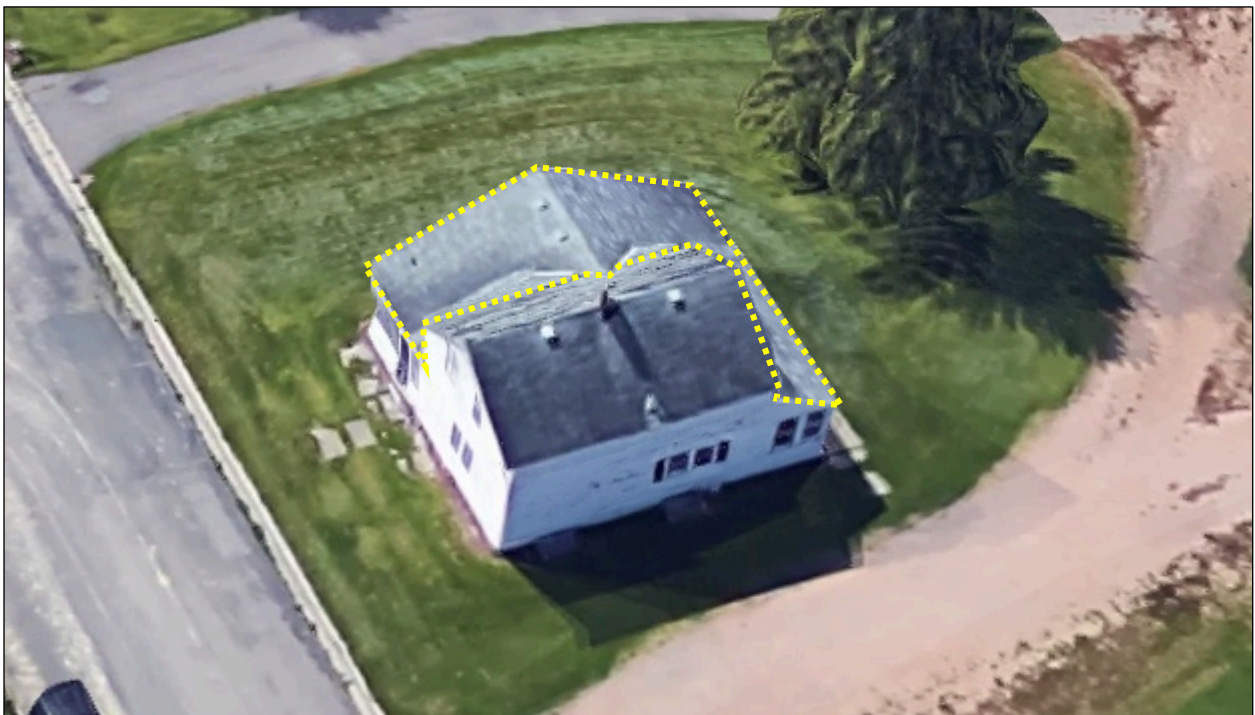


Photo 4. Birdseye view, showing east and north elevations. Addition is outlined.



Photo 5. Birdseye view, showing north and west elevations. Addition is outlined.



Photo 6. Birdseye view, showing west and south elevations. Addition is outlined.

Henry Hammers House/Saloon

3



Photo 7. Overview of the site, looking southwest.



Photo 8. Overview of the site, looking west.



Photo 9. Undated early historic view of the house, when it served as a saloon. Note the wide skirtboard at the base of the wall.



Photo 10. Principal (east) façade and south elevation, 2018. Note the changes to the porch as well as window and door openings. Original 6/6 sash have been replaced by 2/2 and 1/1 on upper level and modern crank-out windows on lower level. Chimney above the porch wing is gone and chimney above main section of the house has been altered.

Henry Hammers House/Saloon



Photo 11. Principal (east) façade and north elevation.



Photo 12. North and west elevations. The one-story bay at right is an addition. Clapboards of original house terminate at corner boards. Clapboards at corner of addition have metal corners. Clapboards on the addition do not align with clapboards on original house.

Henry Hammers House/Saloon



Photo 13. North and west elevations. Double-hung 6/6 sash on upper level may be original.



Photo 14. West and south elevations.



Photo 15. South elevation. Compare roofline to the original, shown in Photo 9. Soffit details at intersection of eaves and rakes are typical of post-WWII construction. Jog in the siding (arrow) marks change in the foundation. Original foundation is to the right, slab-on-grade foundation to left of arrow was built to support the addition.



Photo 16. South and east elevations. Clapboards on the east wall of the original section are continuous, suggesting that the house was at least partially re-sided when the original door and window openings were filled in.



Photo 17. Attic of the porch wing, looking south. Note stud and lath “shadows” on sheathing boards and studs, indicating that the lumber has been recycled.



Photo 18. Close up of attic above the porch wing. Original studs remain in place, showing roofline of original porch wing. New studs were scabbed onto the originals when the wing was expanded.



Photo 19. Attic above the porch wing, looking east. The wall of the original house is visible at left. Note new framing and sheathing over the front porch.



Photo 20. Roof framing above the west bay of the addition. Wall of the original house is visible at right. Roof framing here and elsewhere in the addition is smooth-surfaced, nominal 2 x 4 lumber typical of the mid-twentieth century rather than rough-sawn, full dimension lumber that would have been available at the time of the home's original construction.

CONCEPT SKETCH PLAN: ACTIVE ADULT COMMUNITY



CONCEPT DATA

Gross Site Area:	85.5 ac
Estimated Wetlands:	0.2 ac (Per NWI & aerial)
Wooded Bluff:	3.0 ac (>18% Wooded Slopes)
Net Developable Area:	82.3 ac
Public Parks:	5.6 ac
Private Park:	2.4 ac
Other Open Space:	13.6 ac (includes outlots, ponds, greens, etc.; net bluff & wetlands)
Project Openspace:	21.6 ac
Net Developed Area:	60.7 ac
Overall Proposed Homes:	257 homes
44' DTH Lots:	49 homes 44' x 120' typical lot size
50' DTH Lots:	147 homes 50' x 120' typical lot size
60' DTH Lots:	61 homes 60' x 120' typical lot size
Overall Gross Density:	3.0 un/ac 257 units / 85.5 ac (gross site area)
Overall Net Density:	3.1 un/ac 257 units / 82.3 ac (net developable area)

Aerial photography from State of Minnesota;
Topography from State LIDAR

REQUEST FOR ACTION CHASKA HISTORIC PRESERVATION COMMISSION OCTOBER 26, 2004

Subject: Henry Hammers House/Saloon – Site Alteration Permit for Demolition of Historic Farmhouse at 1092 Cardinal Street

Applicant: Francis Hammers

Location: 1092 Cardinal Street

Case No.: HPC No. 04-03

Synopsis: Applicant is requesting approval to demolish an 1873 farmhouse that is locally designated as a historic building/site. The HPC postponed their decision on this Site Alteration Permit application at their August 31, 2004, meeting, which included a public hearing, to give them additional time to study options for preserving the building.

Prepared By: Jeff Miller

Staff Recommendation: HPC denial of Site Alteration Permit to demolish Henry Hammers House/Saloon

BUILDING/SITE HISTORY

Henry Hammers and his wife moved to Chaska (then Chanhassen Township) in 1864 from Holland, shortly after their wedding in 1863. The original plan for this farmhouse, which was built around 1873, included space for a wayside saloon for farmers traveling along the Chaska-Victoria Road, the main road between Chaska and Victoria. It was not uncommon during that time period for farmers to operate a saloon out of their farmhouse. Henry Hammers eventually owned three farms with this farm being the original farmstead. The historic photo below shows that the structure originally had two front entrances – one on the porch for the residential use and one for the saloon on the two-story section. A sign in the center of the two-story façade says “Saloon”.



The City created a Historic Preservation Task Force in 1991 to survey older buildings and sites, receive citizens' suggestions regarding historically significant buildings, research historic information, and recommend buildings and sites worthy of local historic designation. The task force used specific criteria contained in the Heritage Preservation Ordinance in its considerations of which buildings and sites to designate as historic places. Three groups of buildings and sites were recommended by the HPC and approved by the City Council as local historic buildings/sites in 1992, 1993, and 1996, with a total of 51 buildings/sites now designated within the City.

In January 1996, the HPC recommended and the City Council approved the designation of the Henry Hammers House/Saloon as a locally historic building/site. This farmhouse was designated as a historic building based on its significance to the local community's development and culture. Located alongside the Chaska-Victoria road, this house represents a typical wood frame farmhouse that also provided a wayside saloon for farmers traveling on the main road between Chaska and Victoria. The Hammers family has operated this farm for several generations and also operated a door-to-door milk route from this farm later on. The street in front of the house is now named Cardinal Street. Below is a current photo of the front of the farmhouse showing some alterations to the original front facade. **The porch has been enclosed, the saloon door removed, the first floor window openings consolidated from two to one opening, and the types of windows updated.** The granary next to the farmhouse was built in 1901.



REQUIREMENTS for CONSIDERATION of HISTORIC BUILDING DEMOLITIONS

The City Council adopted its first Heritage Preservation Ordinance in 1989, which also established a Heritage Preservation Commission (HPC) that had authority to encourage preservation of historic buildings and sites within the City. The Planning Commission also served as the HPC until 2002, when a new Heritage Preservation Ordinance was adopted and a separate HPC was established.

The demolition or relocation of a historic resource requires a Site Alteration Permit to be approved by the HPC. According to the City's Heritage Preservation Ordinance, the demolition of

historic buildings/sites shall be discouraged. In its review of Site Alteration Permit applications for a historic building demolition, the HPC is required to consider the four primary matters identified in the Heritage Preservation Ordinance. At least one of the following requirements must be met in order for the Commission to approve the demolition of a historic resource:

- a) Retention of the resource constitutes a hazard to public safety that cannot be eliminated by economic means available to the owner, including the sale of the structure on its present site to any purchaser willing to preserve the structure.
- b) Preservation of the resource is a deterrent to a major improvement program that will be of substantial benefit to the community.
- c) Retaining the resource will cause an undue and unreasonable financial hardship to the owner, taking into account the financial resources available to the owner including the sale of the structure to any purchaser willing to preserve the building.
- d) Retaining the resource is not in the interest of the majority of the community.

In addition, the HPC may consider any or all of the following secondary criteria in deciding whether to approve or deny a demolition application:

- a) The merit of the structure to be demolished.
- b) The effect of the demolition on the surrounding buildings.
- c) The effect of the demolition on the historic district as a whole.
- d) The value or usefulness of the proposed replacement structure to the community, and the appropriateness of its design to the historic district.
- e) If the lot is to be left open, the impact of open space in that location and on the district as a whole.
- f) The effect of the demolition on the local economy.
- g) Whether the demolition will foster civic beauty.
- h) Whether the demolition will stabilize and improve property values in the district.
- i) The effect of the demolition on safeguarding the heritage of the City, State, or Nation.
- j) The effect of the demolition on promotion of the district for the education, pleasure, and welfare of the citizens of the City.

In order to approve any demolition or relocation application, the HPC is required to make findings that the demolition or relocation "is necessary to correct an unsafe or dangerous condition on the property, is necessary for a major redevelopment that is of substantial benefit to the community, or that there are no reasonable alternatives to the destruction." As part of evaluating whether reasonable alternatives exist, the HPC needs to consider the integrity of the

property and the economic value or usefulness of the existing structure, including its current use, costs of renovation and feasible alternative uses.

CONSIDERATION of PRIMARY CRITERIA

Concerning primary criteria (a), the City Planner, Building Official, and HPC Chair have visited the site and the Building Official determined that the building does not constitute a public safety hazard at this time. Up until this past spring, the farmhouse has been used as a rental house for several years. **Although the furnace stopped working this past winter, this does not constitute a hazard to public safety.**

Concerning primary criteria (b), Staff finds that no major improvement programs are planned for this area that would be deterred by preservation of this farmhouse. In addition, the property owner is not currently proposing any redevelopment of this site or the surrounding farmland that would be deterred by preservation of this farmhouse.

Concerning primary criteria (c), the owner is not interested in investing in basic improvements to the building for use as a rental house, **such as a new furnace, windows, plumbing, electrical wiring, and porch repairs,** or its preservation as a historic structure. However, it is Staff's conclusion that retaining the resource will not cause an undue and unreasonable financial hardship on the owner, considering the owner's substantial property holdings, potential for future development of the adjacent farmland, **and the option to sell the structure to any purchaser willing to preserve the building.** A reasonable alternative to demolition of the building that should be considered is the sale of the building to a purchaser that would be willing to preserve the farmhouse.

Concerning primary criteria (d), Staff concludes that retaining this historic structure is in the interest of the majority of the community since the farmhouse was just designated by the City Council as a locally significant historic building in 1996.

CONSIDERATION of SECONDARY CRITERIA

Since this historic farmhouse is not located in a historic district, many of the secondary criteria are not applicable. The criteria that need to be considered are (a) the merit of the structure and (i) the effect of the demolition on safeguarding the heritage of the City, State, or Nation.

The Henry Hammers House/Saloon embodies the character of the community's rural heritage. As the community continues to develop as a suburban city, historic farmhouses are at risk of being lost to new development projects. The Henry Hammers House/Saloon is one of only three farmhouses to be designated thus far as locally historic building/sites in the entire city. The Koehnen House on Bavaria Road and the Jaspers-Heller House on Valley Street are the other two farmhouses.



Koehnen House – Bavaria Road



Jaspers-Heller House – Valley Street

Although some exterior alterations have been made to the building over the years, preservation of the essential form and character of the building is still feasible. The historic photo on page 1 shows that the structure originally had two front entrances – one on the porch for the residential use and one for the saloon on the two-story section. The original saloon door opening has been removed and the two window openings on this section have been consolidated. Additionally, the original porch has been enclosed as a screen porch. Further research would be needed to identify appropriate preservation and reuse strategies for this building.

Both the Koehnen House on Bavaria Road and Jaspers-Heller House on Valley Street have been incorporated into newer residential neighborhoods. In addition, unique Chaska Brick houses exist within the Liberty Heights and Royal Oaks neighborhoods. Staff believes that a reasonable alternative to demolition of the Henry Hammers House/Saloon is to incorporate the preservation of this historic farmhouse and site into future plans for redeveloping the larger farm property into a residential neighborhood. A historic farmhouse offers an opportunity to distinguish the design of this future residential neighborhood and provide a unique sense of history and place for the entire community.

STAFF FINDINGS

Finding #1: In order to approve the demolition of a historic building, at least one of the four primary criteria considered on pages 3 & 4 must be met. Staff finds that this historic building demolition application does not meet any of the four primary criteria and therefore demolition of the building cannot be approved.

Finding #2: Since the Henry Hammers House/Saloon is one of only three farmhouses that have been designated as locally historic buildings/sites in the entire community, it is important to preserve this farmhouse as a significant contributor to the rural heritage of Chaska. **The two other farmhouses designated as local historic buildings/sites have been successfully incorporated into newer residential neighborhoods.**

Finding #3: Although the owner is not interested in investing in basic improvements and preservation of this historic building, Staff concludes that preservation of the character of the original building is feasible. The alterations to the front façade of the building have not irreversibly altered the integrity of the original historic house/saloon. A reasonable alternative to

demolition of the building may be to sell the building to a purchaser that is willing to preserve it. Staff concludes that this alternative has not been adequately explored. **However, the HPC's denial for demolition of the building does not require the owner to preserve or renovate the building, it only requires that the owner retain the building rather than demolish it.**

Finding #4: The Hammers larger farm property, which includes this historic farmhouse, is guided by the City's 2020 Comprehensive Plan for Low Density Residential development in the future. Staff finds that another reasonable alternative is to incorporate the preservation of this historic farmhouse into future plans for redeveloping the farm property into a residential neighborhood.

Finding #5: The applicant currently lives in another house on the property and does not plan to propose redevelopment of the larger farmland site at this time. Since a Concept Plan has not been prepared and approved for future residential development of the larger farmland site, Staff is unable to assess whether this building would be a deterrent to a major redevelopment proposal that would be of substantial benefit to the community. Potential issues regarding the location of future roads and parkland could be explored if the applicant chose to pursue development of a Concept Plan with the City. Staff recommends that a reuse study be completed for the building at the time that a Concept Plan is developed for future residential development of the entire site.

HISTORIC PRESERVATION COMMISSION ACTION REQUESTED:

Motion to deny the Site Alteration Permit for demolition of the Henry Hammers House/Saloon at this time based on the findings that demolition is not necessary to correct an unsafe or dangerous condition on the property, is not necessary for a major redevelopment that is of substantial benefit to the community, will not cause an undue and unreasonable financial hardship to the owner, and there are reasonable alternatives to demolition of the building that have not been adequately explored, as identified in the five findings above.



City of Chaska Memorandum

To: Historic Preservation Commission
From: Jeff Miller
Date: September 24, 2004
Subject: Notes from August 31, 2004, HPC meeting

1. Call to Order

Chair Swanson called the meeting to order at 7:00pm.

Present: Commissioners Joyce Bohn, Nicholas Calder, Michael Carpentier, Dick Hagen, Howard Rosenwinkel, and Chair Tracy Swanson.

Absent: Commissioner Susan Cross.

Others present: Jeff Miller, City Planner; Francis Hammers; Mike Hammers, son of Francis Hammers; Kathy Jeurissen, daughter of Francis Hammers

2. Agenda

Motion by Calder, second by Carpentier, to adopt the agenda with the addition of one item, Minor Classes of Work.

3. Minutes

Motion by Rosenwinkel, second by Carpentier, to approve the minutes of the July 27, 2004, HPC meeting.

4. Public Hearing: Consideration of Exterior Building Alterations to a Historic Building at 205 East Fourth Street / Site Alteration Permit / HPC No. 04-04 / C.P. Klein Fine Dining Restaurant
Public Hearing was opened at 7:10pm.

The City Planner stated that the applicant requests that this item be continued to the next HPC meeting. Motion by Calder, second by Hagen to continue the item to the next HPC meeting on September 28, 2004, at 7:00pm in the City Council Chambers.

5. Public Hearing: Consideration of Demolition of a Historic Residential Building at 1092 Cardinal Street / Site Alteration Permit / HPC No. 04-03 / Francis Hammers
The City Planner presented the item.

Public hearing was opened at 7:20pm.

The applicant's daughter stated that the interior of the building contains nothing of any historic value. There are no open staircases, fireplaces, ornamental woodwork, or other features typical of a historic house. Slicky Moers' house, which is a neighboring farmhouse, is similar but embodies the historic features of a traditional farmhouse/saloon better than the Hammers House.

Mike Hammers, the applicant's son, stated that the house and its yard have become a hassle to maintain for the property owner, e.g. the house is too close to the street and the steep yard is difficult to mow. The windows need repair. The furnace went out this past winter and needs to be replaced, so the house will sit empty rather than be rented out. If the City wants to recognize the historic past of this house, it would be more appropriate to write an article for the newspaper about the history of the Hammers House, with historic photos of the house, than to keep the house as it is currently.

The applicant stated that he agreed with his children's statements and would really like to tear down his old house.

Public hearing was closed at 7:27pm. Motion by Hagen, second by Bohn.

Chair Swanson explained the original reasons for the house being designated as a locally historic building/site in Chaska.

Hagen asked whether anyone from the family currently lives in the house.

Mike Hammers answered no. The house needs some major upgrades, including plumbing, electric wiring, furnace, etc. The porch also needs major improvements. It is currently unsafe to rent out.

Bohn asked when the house was last rented out.

Mike Hammers stated that it had been rented out until 3-4 months ago. The furnace went out last winter and has not been replaced.

Chair Swanson inquired about the applicant's current plans for redevelopment of the site.

Mike Hammers explained that there are no plans to redevelop the site at this time, probably won't redevelop for as long as Francis Hammers is living in the other house on the property.

Chair Swanson asked whether both houses are on the same property.

The City Planner answered that they are on the same property and that the owner would need to split off a new lot in order to sell the historic Hammers House.

Calder asked about the state of the farm buildings on the site.

Mike Hammers answered that the farm buildings are still being used somewhat, for keeping dogs and storage purposes.

Rosenwinkel asked how large the entire property is.

Francis Hammers answered that the whole farm is about 85 acres, with the house and farm buildings sitting on approximately 5 acres.

Carpentier explained that he personally lives in a relatively plain old house that is also locally designated as a historic building. The plainness of the house's architecture is typical of that time period and part of what makes it historic. He suggested that if the house is movable that relocation could be considered as an option.

Rosenwinkel asked whether the basement is constructed of fieldstone and whether the house contains any brick.

Mike Hammers answered that the basement is constructed of fieldstone. The house is a wood frame and sided house with no brick.

Chair Swanson explained that other historic farmhouses have been preserved in Chaska, including the Koehnen House and the Jaspers-Heller House.

Bohn asked what the square footage of the house is.

Francis Hammers answered that he wasn't sure of the exact square footage.

Bohn asked how many kids were raised in this house and whether any of the kids were interested in keeping the house.

Cathy, the applicant's daughter, responded that ten kids were raised in it. All of the kids and grandkids have had an opportunity to look at the house, but no one in the family is interested in buying and improving the house.

Mike Hammers explained that the house is located too close to Cardinal Street. If you could have a park in front of the house, there would be more potential for keeping it. Although parkland dedication would be part of the redevelopment process in the future, he speculated that the City would want the parkland to be located elsewhere on the property, in the interior rather than along Cardinal Street.

The City Planner stated that the location of a future park would be decided at the time of a redevelopment proposal but it's possible that it could be located near the historic farmhouse.

Chair Swanson asked whether the HPC could deny the applicant's request at this time so that redevelopment possibilities could be explored to retain the house.

The City Planner explained that the HPC could deny the applicant's request, which is Staff's recommendation, based on Staff's four findings, one of which is that reasonable alternatives to demolition of the building have not been adequately explored. Staff finding #4 is that a reasonable alternative may be to incorporate the preservation of the historic farmhouse into future plans for redeveloping the farm property into a residential neighborhood. Preserving this historic farmhouse could provide a future residential neighborhood with a unique sense of place and history. The applicant could explore various reuses of the house as part of a future redevelopment project, including for residential, homeowners' association offices, daycare, or others. A Concept Plan does not exist for the Hammers property at this time. Questions regarding the location of future roads and parkland could be explored with a Concept Plan if the applicant pursued development of a Concept Plan with the City. For instance, a new residential neighborhood on this site would most likely look at options for a road connecting to Highway 41 and the best way for entering into the neighborhood. Maybe the historic farmhouse could be relocated near its current site to enable the best layout for the new neighborhood and keep the house essentially in its historic location. If the house is sold to a developer in the future, when the farm property is sold for redevelopment, the developer would need to explore these options as well.

The City Planner explained that although Staff is recommending denial of the application, the HPC also has the option to postpone their decision for up to 180 days to give them some time to study possibilities for preserving the house, including how future redevelopment of this site may affect its preservation opportunities.

Hagen recommended that the HPC postpone its decision and research the possibility of relocating the house.

Chair Swanson asked how the City Planner how the City would handle a postponement or continuation of the item.

The City Planner stated that if the HPC decides to postpone their decision, they are determining that they need additional time to explore options for preserving the house, including gaining a better understanding of how future redevelopment activities would impact preservation of the house and its site.

Carpentier asked whether gifting the house to the Carver County HRA was an option, similar to the house that the County relocated to Oak Street, right next to the river levee?

Chair Swanson stated that the historic significance of the site is important and the house probably should not be relocated.

Bohn agreed that the site is as historically significant as the farmhouse itself and that the HPC is charged with preserving both historic buildings and sites. As guided by the Heritage Preservation Ordinance, the HPC cannot randomly approve the demolition of historic buildings.

Calder suggested that moving the building on the site slightly, perhaps 75 feet, might be a good option for preserving it, rather than relocating it off-site.

Motion by Hagen, second by Bohn, to postpone the HPC's decision regarding the applicant's request to demolish this historic farmhouse, based on the finding that the preservation and protection of this historic building and the public interest will be best served by further study of options for preserving the building, particularly related to potential future redevelopment activities for the entire farm site.

HPC members discussed how long to postpone their decision, including 60 or 90 days. The City Planner recommended that they open their option to use the maximum 180 days permitted by the Heritage Preservation Ordinance, Section 33 (2), just in case they determine that a consultant might be needed to study the building's reuse possibilities. No time limit was added to their decision to postpone, so the HPC has up to 180 days from the receipt of the application, which was August 9, 2004, to approve or deny the application.

6. Public Hearing: Consideration of Exterior Building Alterations to a Historic Building at 308 Walnut Street / Site Alteration Permit / HPC No. 04-05 / Nicholas Calder

The City Planner explained that this application requires their review because the applicant is proposing to replace original wood siding with a different material, fiber cement siding. This type of alteration is not considered a Minor Class of Work at this time.

Public hearing was opened at 8:10pm.

The applicant presented his request.

Public hearing was closed at 8:15pm. Motion by Carpentier, second by Hagen.

Motion by Bohn, second by Hagen, to approve a Site Alteration Permit to permit the use of Hardiplank lap siding (fiber cement) to replicate the original wood clapboard siding of this historic house at 308 Walnut Street, which is nationally designated as a historic building within the Historic Walnut Street District.

7. Minor Classes of Work

Two changes were requested and agreed to regarding the list of Minor Classes of Work. In the Roof & Gutters category, Item No. 6 was added as follows: "Addition of new gutters that are compatible with the house." In the Structural & Mechanical category, Item No. 3 was deleted: "Screening projects for utility meters, air conditioning units, trash systems or other objectionable items."

8. Other Business

The City Planner announced that the Statewide Historic Preservation Conference is taking place on September 23rd and 24th in St. Cloud. As a Certified Local Government, the City is required by the Minnesota Historical Society to have at least one commissioner or City staff person attend the conference. The City Planner stated that he will be attending the conference and recommended that at least one commissioner also attend. Any one interested in attending should contact Chair Swanson.

9. Adjourn

Motion by Hagen, second by Bohn, to adjourn the meeting at 8:30pm.

The next meeting will be held at the City Council Chambers on September 28th at 7:00PM.



City of Chaska Memorandum

To: Historic Preservation Commission
From: Jeff Miller
Date: October 31, 2004
Subject: Notes from October 26, 2004, HPC meeting

1. Call to Order

Chair Swanson called the meeting to order at 7:00pm.

Present: Commissioners Nicholas Calder, Michael Carpentier, Susan Cross, Dick Hagen, Howard Rosenwinkel, and Chair Tracy Swanson

Absent: Joyce Bohn

Others present: Jeff Miller, City Planner; Mike Hammers, son of Francis Hammers; Kathy Jeurissen, daughter of Francis Hammers

2. Agenda

Motion by Cross, second by Rosenwinkel, to adopt the agenda.

3. Notes

Motion by Rosenwinkel, second by Hagen, to approve the meeting notes of the September 28, 2004, HPC meeting, with the following revisions:

- 1) Add the following sentence, "No members of the general public appeared before the HPC to comment on the proposal."
- 2) Page two, paragraph seven: "Cross commented that she supports the applicant's plan to retain the existing landscaping but **suggested** that the Norway **maple** tree to the **left** of the front entry should be removed."

4. Consideration of Demolition of a Historic Residential Building at 1092 Cardinal Street / Site Alteration Permit / HPC No. 04-03 / Francis Hammers

The City Planner presented the item. The HPC postponed their decision on this Site Alteration Permit application at their August 31, 2004, meeting, which included a public hearing, to give them additional time to study options for preserving the building. Since a Concept Plan has not been prepared and approved for future residential development of the larger farmland site, Staff concludes that the City is unable to assess whether this building would be a deterrent to a major redevelopment proposal that would be of substantial benefit to the community. Potential issues regarding the location of future roads and parkland could be explored if the applicant chose to pursue development of a Concept Plan with the City. Consequently, Staff is recommending denial of the Site Alteration Permit for demolition of the Henry Hammers House/Saloon at this time.

Commissioner Rosenwinkel recommended that a reuse study be considered for the Hammers House/Saloon. Safety issues could become a problem over time. He also suggested that it

would be nice to write a story about the history of the building, or design a memorial monument for a future park on the site.

Commissioner Cross agreed that a Concept Plan is necessary in order to determine the impact of the house on future development projects. She stated that farm buildings are missing from our cultural landscape. She has seen examples of old farmhouses and barns being retained as part of new developments.

Commissioner Hagen expressed his concern about the continuing deterioration of the house.

The City Planner stated that demolition by neglect is theoretically not permitted for buildings that have a historic designation.

Chair Swanson pointed out that the property owner will be living next to this historic house and will likely feel obligated to take care of it.

Commissioner Rosenwinkel noted that no one from the public showed up in opposition to the demolition.

Chair Swanson clarified that no one from the public appeared before the HPC in opposition or in support of the demolition.

The applicant (Mike Hammers) stated that the family is interested in the idea of constructing a memorial monument in place of the house someday.

Chair Swanson expressed that it seemed like the HPC and the applicant are trying to accomplish the same thing, which is to preserve the heritage of this farmstead.

Motion by Hagen, second by Calder, to deny the Site Alteration Permit for demolition of the Henry Hammers House/Saloon at this time based on the findings that demolition is not necessary to correct an unsafe or dangerous condition on the property, is not necessary for a major redevelopment that is of substantial benefit to the community, will not cause an undue and unreasonable financial hardship to the owner, and there are reasonable alternatives to demolition of the building that have not been adequately explored, as identified in the five findings above.

5. HPC Annual Report – Input for submittal to City Council and State Historic Preservation Office on October 30

The City Planner distributed a first draft of the required Annual Report and requested the Commission's input regarding additional information or changes.

Commissioner Calder suggested mentioning his informal survey of historic buildings in Chaska as progress toward designating additional buildings as local historic buildings.

Chair Swanson recommended adding her participation in nomination of the Scott House (Millhouse Gallery) to the National Register of Historic Places.

6. Potential Application for 2005 Certified Local Government (CLG) Grant – Form a subcommittee to prepare application for January submittal

The City Planner updated the Commission on the timeline for submitting applications for a CLG Grant and discussed the potential for a survey of historic sites in the city, which the CLG Grant could help fund.

Chair Swanson nominated Commissioner Cross as the HPC focal person for preparing an application for a CLG Grant to fund a survey to identify and evaluate additional properties for potential historic designation.

7. Other Business

No other business was discussed at this meeting.

8. Adjourn

Motion by Cross, second by Hagen, to adjourn the meeting at 8:55pm.

The next meeting is scheduled for January 25th at 7:00PM at the Chaska History Center.







NEW SITES TO BE ADDED

GEHL'S MEAT MARKET 112 West Second Street

This building was built for the meat market and residence of Charles Gehl in 1903. It replaced a frame building built by his father, Henry Gehl, Sr. in 1882 to establish a butcher business. The building was among half a block of business buildings to the east in 1900.

*Jim had "sulicings".
"Buildings" may be wrong. I think is right*

RIEDELE HOUSE 122 West Sixth Street

Andreas Riedele farmed, operated a grist mill and hotel and became a partner in a brick yard. He built this family home adjacent to the brick yard in 1884. In subsequent periods, it was the home of two generations of Kleins while they were in the brick business.

CASPER SCHMIDT HOUSE 415 North Walnut Street

Casper Schmidt, German immigrant, tried his hand at farming, but in _____ and built a home occupied by four generations. Casper's son, J. August Schmidt, was one of Chaska's most aggressive merchants for decades. His son, Irwin, followed in that business.

*Maybe this says "of type of business spelled incorrectly" ?
(He typed it "sof decades.")*

SUGAR CITY CREAMERY 140 ~~West Sixth Street~~ Hwy. 212 East

In 1900, 20 Chaska area farmers owning 250 cows formed the Golden Standard Creamery Association and, for a very reasonable price, bought the vacated White Creamery in the western part of town. By 1914, they built this building and, influenced by a growing industry, became

the Sugar City Cooperative Creamery. Farmers brought their milk to the creamery in milk cans and wagons until farming became mechanized and dairy was changed by WWII.

M & ST. L DEPOT

~~West Sixth Street~~ 101 Hwy. 212 East

With the coming of the extension of the railroad extending southerly, service and shelter for passengers and telegraphic control of train movement, a frame building was constructed on the site in 1871. With the increased traffic and complaints of citizens, that building was replaced with the present depot in 1911. In recent years it has held various types of business enterprises.

MUYRES HARDWARE

210 North Chestnut Street

Matt H. Muyres started a lumber business adjacent to the alley, then built this building in 1892 to house his hardware business and tin shop. An additional business was selling steamship tickets for settlers to return for homeland visits or to send to relatives or friends who were coming to the U.S.

SAINT JOHN'S LUTHERAN CHURCH

~~East Fifth and Oak Streets~~ 300 Fourth Street East

Although members organized Evangelical congregation in 1883, a brick church on this site was not built until 1885. In 1921 that building burned completely. The congregation had started plans for a larger church, which made it possible to complete this edifice on the old corner in 1922.

of fifth and Oak Street

Stevenson

DISTRICT SCHOOL HOUSE

1700 Chestnut Street North

One of the log cabin schools in Chanhassen township, replaced by a frame building some years later, known as the District 12 school along the old Chaska-Excelsior road. The Chaska Rotary Club had it moved to a site on the campus of public schools for replicating the interior of a nineteenth century one-room school in _____.

STEGE-KLAMMER HOUSE

302 North Walnut Street

Cap N? nsir

The widow of Philip Iltis, long-time operator of the national Hotel and other enterprises, married his employee, Julius Stege. The Stege's had this house built in 1902. Mrs. Stege's daughter, Caroline Iltis, married Kalmer K. Klammer, long-time officer of the Carver County State Bank. Three generations of that family lived there.

HAMMERS HOUSE

~~1092~~ Cardinal Street

1092

When Henry Hammers, Sr., emigrant from Germany bought land in about 1873, he had two purposes in mind: creating a family home and establishing a saloon, a convenient stop for farmers on the way home on the Chaska-Victoria road from delivering milk to the creamery, hauling flour ground at one of the grist mills or carrying home supplies from town. Interestingly, the third generation launched a door-to-door milk home delivery route in later years.

JASPERS-HELLER HOUSE

1204 Valley Street

This house, built in 1896 is important, but nearby land is more important. Part of it was an original claim for the early settlement known as Yorkville. In the 1890's, part of it was the race track for horse race competition. During the 1920's and 1930, it was the Chaska baseball park.

1930's?

CEMETERIES

MORAVIAN

Victoria Drive East

Although he was not a Moravian, John Humble (sometimes spelled Humpel) donated land from his 120 acre farm to the Moravian Church for a cemetery in 1895. He was not buried there.

Through the years, affairs of the cemetery have been handled by a board elected by the congregation.

MOUNT PLEASANT

Chestnut Street North

Mr. and Mrs. Lyman Noble came from Massachusetts. Mrs. Noble died at the age of 69 in 1858.

She was buried on property her son Joel owned, bought from Linus Clapp three years earlier. It

was on the west side of the Chaska-Smithtown (Minnetonka) road about a mile north of the

Minnesota River. J.W. Gregg, early brick maker, and his wife buried a two-year-old daughter

nearby. Other families did likewise. Late in 1863 the Mount Pleasant Cemetery Association was

organized. Previously used land was purchased from the Nobles for \$85 and from the Ellseorths *Ellsworths?*

for \$5. A pine board fence was built around the plot. The Association continued until 1974

when the City of Chaska assumed responsibility and made it a public cemetery, retaining the

name.

GUARDIAN ANGELS

Country Road 140

Mount Pleasant Cemetery had been used by people of various denominations. In 1867, Michael Guenser, founder of the church and apparently acting on behalf of the congregation, negotiated with Andreas Foos, who had a farm along the old Chaska-Cologne road. Two years later it was deeded to the bishop of the Catholic diocese.

SAINT JOHN'S

Stoughton Ave, (C.C.R. 10 East)

Although Saint John's Evangelical Lutheran Church was organized in 1884, its deceased members continued to be buried in 1921 in Mount Pleasant cemeteries. Leaders of the congregation negotiated with Caroline Melchert, a widow, for part of the family farm along the Chaska-Shakopee road on Yorkville Prairie. Members developed the cemetery and in April, 1939, deeded it to the congregation.

KOEHNEN HOUSE

~~11901~~ Bavaria Road *111000*
Should this be a six-digit number?

Upon being married in late 1896, Matt Koehnen and his wife, recently married, made this their home. In later years it became known as the Worm farm with a barn on the property converted to the Worm Theater for summer plays. The barn burned. Presently the building is the headquarters of the Jonathan Association. The site is Lot 1 in Jonathan's Village Three.

Res. Structure		Finish		Plumbing		Addition		Garage	
Occ. Code	1 of 2	Ttl Rooms Above #	0 Bedrooms Above #	0	Full Bath	Addition	1 of 1	Garage	No garages
Occ. Descr.	Single-Family / Owner Occupied	Ttl Rooms Below #	0 Bedrooms Below #	0	3/4 Bath	Year Built	1860	Style	
Year Built	1860				1/2 Bath	EFA	159	WXL	
EFA / EFYr	159 / 1860				Lavatory	EFA Year	1860	Area (SF)	
Arch. Dsgn	1 3/4 Sty	Foundation	None		Water Closet	Style	1 Sty Frm	Year Built	
Style	2 Story Frame	Exterior Walls	None		Sink	Area (SF)	356	EFA	
AreaSF/TLA	468 / 1,292	Roof	None		Shower Stall/Tub	Condition	Poor	EFF Year	
GLA 1st/2nd	824 / 468	Interior Finish	None		Mtl St Sh Bath	Phy-Depr.%	55.00	Grade	
Grade	4	Flooring	None		Mtl Stall Shower	Bsmt (SF)		Condition	
Grade Mult.	1.000	Non-base Heating			No Bathroom	NoBsmt Flr(SF)		Bsmt (SF)	
Condition	Poor	Floor/Wall #	0		Wet Bar	Heat	Yes	Qtrs Over	
Phy-Depr.%	55%	Pipeless #	0		Whirlpool Bathroom	AC	Yes	Qtrs Over (SF)	
Basement	Full	Hand Fired (Y/N)	No		Whirlpool Tub	Attic (SF)		Qtrs AC (SF)	
No Bsmt Flr.	0	Space Heat #	0		No Hot Water Tank			%Phy/Fobs/Ebbs	
Heat	Yes	Appliances			No Plumbing			Door Opns	
AC	Yes	Range Unit	Built-In Vacuums		Sewer & Water Only			Stalls- Bsmt / Std	
Attic	None	Oven - Single	Intercom System		Water Only w/Sink	Functional %	0%		
		Oven - Double	BI Stereo(SprksOnly)		Hot Tub	Economic %	0%		
		Dishwasher			Steam Room	Other %	75%		
		Microwave			Fbgls Service Sink	Other			
		Trash Compactor			Urinal	None			
		Jennair			Sauna	None			
		Security System			W/Pool Bath w/Shower	None			
					Soaking Tub				
					Jacuzzi				



© 1995-2017 Vanguard Appraisals, Inc.
(rev. 22.035.3897)

Bldg / Addn	Description	Units	Price	Base Value	Grade Mult	Year	Phys%	Fobs%	Eobs%	Other%	Depreciated Total (Rnd nearest dollar)	Map	Appraised Value (Rnd nearest \$100)
P:1	2 Story Frame	468		\$94,940									
	Base Heat												
	Add Central Air	468	\$2,250.00	\$2,250									
#1	Porch: 1S Frame Screen	84 SF	\$3,480.00	\$3,480									
#2	Porch: 1S Frame Enclosed	112 SF	\$4,540.00	\$4,540									
	Building Sub Total			\$105,210	1.000	1860	55.00	0	0	75	\$11,836		
Adtn	1 Story Frame	356 SF		\$17,470	1.000	1860	55.00	0	0	75	\$1,965		
	Building TOTAL Value										\$13,801	1.000	\$13,800

1092 Cardinal Street – Hammers Saloon

Rehabilitation Costs

Exterior – \$30,000.00 (re-roof, window replacement, re-side and soffits)

Appendage Removal - \$5,000.00 (not part of original tavern)

Structural - \$20,000.00 (reinforce roof system, rebuild floor system)

Foundation - \$20,000.00 (new foundation)

Electrical – \$10,000.00 (new service panel, wiring)

Plumbing – \$10,000.00 (new piping, fixtures)

HVAC - \$10,000.00 (heating unit and duct work)

TOTAL: \$105,000

Chapter 10.5

HERITAGE PRESERVATION

ARTICLE I. IN GENERAL, Sections 01 through 25 are hereby reserved.

ARTICLE II. HERITAGE PRESERVATION.

Section 26. Declaration of public policy and purpose.

The Chaska City Council hereby declares as a matter of public policy that the preservation, protection, perpetuation and use of areas, places, buildings, structures and other objects having a special historical interest and value is in the public interest and is required in the interest of the health, prosperity, safety and welfare of the community. To this end, the Heritage Preservation Commission is created and charged with the stewardship of Chaska's heritage.

The purposes of this ordinance are to:

- 1) Safeguard the heritage of the City of Chaska by preserving historic properties and districts that reflect elements of its cultural, social, economic, political and architectural history;
- 2) Protect and enhance the City of Chaska's appeal and attraction to residents, visitors and tourists;
- 3) Enhance the visual and aesthetic character, diversity and interest of the City of Chaska;
- 4) Foster civic pride in the beauty and notable accomplishments of the past;
- 5) To strengthen the local economy;
- 6) To stabilize and improve property values in historic districts;
- 7) To promote the preservation and continued use of historic properties for the education and general welfare of the people of the City of Chaska; and
- 8) To encourage new buildings and development which will be harmonious with the existing historic buildings and neighborhoods but will not necessarily be of the same architectural style, the purpose being to develop the Historic District as a vital living area in which each succeeding generation may build with the quality and sensitivity of past generations.

Section 27. Definitions.

- 1) "Alteration" means work that changes the detail of a resource but does not change its basic size or shape.
- 2) "Commission" means a Heritage Preservation Commission created by the City Council.
- 3) "Demolition" means the razing or destruction, whether entirely or in part, of a resource and includes, but is not limited to, demolition by neglect. Destruction by fire when arson by the

owner or the owner's agent is proven shall be considered demolition.

- 4) "Denial" means the written rejection of a permit application for work that is inappropriate or that adversely affects a resource.
- 5) "Designation Study" means a study and report prepared to determine whether a property is worthy of designation as a historic district or historic resource.
- 6) "Historic District" means an area, or group of areas not necessarily having contiguous boundaries, that contain one resource or a group of resources that are related by history, architecture, archeology, engineering or culture.
- 7) "Historic preservation" means the identification, evaluation, designation, and protection of resources significant in history, architecture, archeology, engineering, or culture.
- 8) "Historic resource" means a publicly or privately owned building, structure, site, object, feature, or open space that is significant in the history, architecture, archeology, engineering, or culture of Chaska, the State of Minnesota, or of the United States; and is locally or nationally designated as historic.
- 9) "Resource" means one or more publicly or privately owned historic or non-historic buildings, structures, sites, objects, features or open spaces located within a historic district.
- 10) "Site alteration permit" means the written approval of a permit application for work that is appropriate and that does not adversely affect a resource.

Section 28. Historic District.

- 1) The Chaska Historic District is hereby established and is bounded and described as follows:
Lots 1 and 10, Block 44; Lot 5, Block 37, except the westerly 50 feet thereof; the east one-half of Block 37; the west one-half of Blocks 20, 29 and 36; the east one-half of Block 21; and all of Block 28 (City Square), according to the map or plat thereof on file in the Office of the County Recorder, Carver County, Minnesota.
- 2) The City Council may at any time establish by ordinance additional historic districts, modify boundaries of an existing historic district, or may eliminate an existing historic district.

Section 29. Heritage Preservation Commission.

- 1) *Creation and Composition.* The Heritage Preservation Commission is hereby established (hereinafter referred to as the "Commission"), which shall consist of seven (7) voting members to be appointed by the City Council. Any member appointed to serve on the Heritage Preservation Commission shall be a resident of Chaska and shall have a demonstrated interest in historic preservation. The composition of the Commission shall

include, if available, at least two (2) preservation-related professionals, including the professions of history, architecture, architectural history, archaeology, planning, real estate, design, building trades, landscape architecture, or law. Whenever possible, at least two (2) members should own or reside in a historic property or should own or reside in property in an historic district. In addition, one member must be a designated representative of the Carver County Historical society, if available.

- 2) The members of the **Heritage Preservation Commission** shall be appointed for three (3) year terms, and each member shall be eligible to serve for three (3) consecutive terms. Said terms shall be staggered. Additional terms may be served by a Commissioner if sufficient applications are not received by interested residents. Vacancies shall be filled by the City Council within sixty (60) days of the vacancy occurring. The term of a Commissioner may be terminated and a new member appointed in the event the Commissioner fails to attend any three (3) consecutive meetings or in the event of failure to attend any four (4) meetings in any twelve (12) month period. (Ord. No. 846, 12-20-10)
- 3) *Pay.* Members of the Commission shall serve without pay.
- 4) *Organization.* The City Council shall elect from the Commission's membership a Chair and Vice-Chair who shall serve for the terms of one (1) year. Each will be eligible for re-election. The Chair shall preside over the Commission. The Vice-Chair shall, in the absence or disability of the Chair, perform the duties of the Chair.
- 5) *Quorum.* Four (4) members of the Commission shall constitute a quorum for the transaction of business.
- 6) *Voting.* Each member of the Commission shall be entitled to one (1) vote. The concurring affirmative vote of a majority of members present at the meeting of the Commission shall constitute approval of plans before it for review, or for the adoption of any resolution, motion or other action of the Commission. A majority of the members present may reject approval of plans before it for review.
- 7) *Rules and Regulations.* The Commission shall make by-laws, not inconsistent with local or state law, as it deems advisable and necessary for the conduct of its affairs and for the purpose of carrying out the intent of this Ordinance. Such rules shall provide for the time and place of regular meetings and for the calling of special meetings.
- 8) *Meetings.* The Commission shall hold regular meetings, but no less than four (4) per year. In addition, the Commission shall meet at its earliest convenience, when called by the Chair, to review such building permits or applications as are referred to it by the City Building Official or Director of Planning. All meetings of the Commission shall be open to the public; and a public record shall be kept of the Commission's resolutions, proceedings and actions.
- 9) *Staff Assistance.* To accomplish the intent and purpose of this ordinance, the City of Chaska shall provide the Commission with adequate staff support and supplies.

Section 30. Powers and Duties of Commission.

- 1) The Commission shall issue a site alteration permit(s) or denial for all new construction, reconstruction, or exterior restoration, alteration, color change, or any other exterior work on any historic resource or any resource located within an historic district.
- 2) The Commission shall issue a site alteration permit, notice to proceed or denial for the moving or demolition of any historic resource or any resource located within an historic district.
- 3) The Commission shall conduct a survey and maintain a roster of historic resources located within historic districts which shall include a description of the characteristics of the resources which justified its designation, and a description of the particular features that should be preserved, and shall include the location and boundaries of the resource.
- 4) The Commission shall recommend to City Council the designation of additional historic resources or historic districts from resources chosen according to the criteria listed in section 31(3) which, when designated, shall be subject to all the provisions of this Ordinance.
- 5) The Commission shall review and comment to City Council on land use, housing and redevelopment, municipal improvement and other types of planning and programs undertaken by any agency of city, county or state governments, as they relate to historic resources in the City of Chaska.
- 6) The Commission shall work for the continuing education of the citizens of the City of Chaska with respect to the civic and architectural heritage of the City. It shall keep current and public a register of designated and proposed Heritage Preservation sites and areas, along with the plans and programs that pertain to them.
- 7) The Commission may survey all areas to determine needed and desirable improvements of older buildings throughout the city, acting in a resource and advisory capacity to owners of historic resources regarding their preservation, restoration, and rehabilitation.
- 8) The Commission may make recommendations to City Council on the acceptance of grants and gifts given for heritage preservation purposes.
- 9) The Commission may review and make recommendations to City Council on proposed amendments to the Zoning Ordinance as it relates to historic resources or historic districts.
- 10) The Commission shall make recommendations to City Council on proposed amendments to this Ordinance.
- 11) The Commission shall prepare an annual report by October 30th for the submission to City Council and the Minnesota State Historic Preservation Office concerning the work of the Commission during the preceding year.
- 12) The Commission shall be informed about and provide information to the public and City staff on the use of various federal, state, local and private funding sources available to promote historic resource preservation and other incentives for preservation of historic resources,

including legislation, regulations and codes which encourage the use and adaptive re-use of historic properties.

- 13) The Commission may make recommendations to City Council that designated properties or historic resources be acquired by purchase, gift or by eminent domain.
- 14) The Commission may take such actions as are reasonable and necessary for the administration and enforcement of this Ordinance.
- 15) Variances – Due to peculiar conditions of design and construction in historic neighborhoods it may be in the public interest to retain a neighborhood's historic appearance by making variances to normal requirements of the Zoning Ordinance. Where it is deemed that such variances will not adversely affect neighboring properties, the Commission shall recommend to the Planning Commission that such variance to standard requirements be made.
- 16) Exceptions to Uniform Building Code – Due to peculiar conditions of design and construction of historic buildings it may be in the public interest to retain the economic viability of a historic building by making exceptions to normal requirements. Where it is deemed that such exceptions will be no more hazardous based on life safety, fire safety and sanitation than the existing building, the Commission shall recommend to the Director of Planning that such exceptions to standard requirements be made.

Section 31. Designation Criteria and Procedures.

- 1) *Purpose.* This section is established to promote the preservation of historic resources by providing the Commission with authority to recommend the designation of historic resources and historic districts to the City Council and to adopt design guidelines for designated properties. Once designated by the City Council, such historic resources and districts shall be subject to all provisions of this Ordinance.
- 2) *Designation procedures.* The City Council, on recommendation of the Commission, may, after notice and public hearing as described in section 35, designate resources, other landmarks and historic districts.
- 3) *Criteria.* The following criteria shall be considered in determining whether a property is worthy of designation as a landmark or historic district because of its historical, cultural architectural, archaeological, or engineering significance:
 - a) has significant character, interest, or value as part of the development, heritage or cultural characteristics of the city, state or county; or
 - b) is the site of a significant historic event; or
 - c) is associated with the life of a person or persons who significantly contributed to the city's culture and development; or
 - d) embodies those distinguishing characteristics of an engineering specimen or an

architectural style, period, form or treatment; or

- e) contains elements of design, detail, materials, or craftsmanship which represent a significant innovation; or
 - f) portrays the environment in an era of history characterized by a distinctive architectural style; or
 - g) is the work of an architect or master builder whose individual work has influenced the city's development; or
 - h) owing to its unique location or singular physical characteristics, represents an established and familiar visual feature of a neighborhood or city.
- 4) *Nomination of Property.* Nomination of a resource to be considered for designation for preservation shall be submitted to the Director of Planning. For the purpose of this Ordinance, any person may nominate any building, structure, object, site, or district for preservation. The Director of Planning shall forward complete applications to the Commission.
- 5) *Commission decision on nomination.* The Commission shall review all complete nomination applications to determine whether the nominated resource is worthy of preservation. All applications shall include property boundaries and a program for the preservation of the resource, which shall follow the Secretary of the Interior's Standards for Treatment of Historic Properties. If the Commission determines that a nominated property appears to meet at least one of the criteria for designation contained in section 31(3), the Commission may direct the planning director to commence a designation study of the resource.
- 6) *State Historic Preservation Office review.* All proposed designations that the Commission deems worthy of preservation shall be submitted to the State Historic Preservation Office (SHPO) for a sixty (60) day review period. SHPO's comments on the proposed designation shall be sent to the City Council for consideration.
- 7) *Planning Commission review.* All proposed designations that the Commission deems worthy of preservation shall be submitted to the Planning Commission for a sixty (60) day review period. Comments from the Planning Commission shall include, but not limited to, the relationship of the proposed designated resource to the Comprehensive Plan and Zoning Ordinance, the effect of the proposed designation upon the surrounding neighborhood and any other planning considerations which may be relevant to the proposed designation.
- 8) *Commission review.* Following completion of the designation study the Commission shall hold a public hearing as described in section 35 to consider the proposed designation. In making its recommendation to City Council, the Commission shall consider the designation criteria contained in section 31(3), the information contained in the designation study, the State Historic Preservation Officer's comments, the Planning Commission's comments, and all testimony received at the public hearing relating to the designation.

- 9) *City Council designation.* The Commission shall forward its recommendations, together with its findings of significance and eligibility, and with the comments of the Planning Commission and of the State Historic Preservation Office, to the City Council. The City Council, upon the request of the Commission, may, by ordinance, designate a heritage preservation site. Such an ordinance shall require a two-thirds vote of all City Council members to be effective.
- 10) *Recording of Preservation Sites.* The City Clerk shall record with the Carver County recorder the legal description of all buildings, lands, or areas designated as Heritage Preservation Sites by the Council, and shall send a copy to the Building Official.
- 11) *Design Guidelines.* The Commission shall adopt design guidelines for historic resources and historic districts. Prior to adoption, the Director of Planning shall submit all proposed design guidelines to the State Historic Preservation Officer for review and comment within sixty (60) days.

Section 32. Regulation of Construction and Alteration.

- 1) *Permit.* A Site Alteration Permit shall be obtained before new construction, alterations or repair, including color and signage change, or any other work that will effect the exterior appearance of a historic resource or a resource located in a historic district.
- 2) *Application.* An owner of a historic resource or a resource located in an historic district shall apply to the Director of Planning for a Site Alteration Permit, including all information that the Director of Planning and the Commission determine is necessary for a complete application, including, but not limited to, photographs of the existing structure, plans and written description fully describing the proposed work. Following receipt of a complete application and all supporting documentation, the Director of Planning shall refer the application and all required supporting material to the Commission.
- 3) *Commission Review.* The Commission shall hold a public hearing on each complete application for a Site Alteration Permit as provided in section 35. The Commission may approve, approve with conditions, or deny such plans. All findings and decisions of the Commission shall be final, subject to appeal to the City Council as specified in section 34.
- 4) *Matters considered.* In reviewing new construction and site alteration plans, the Commission shall give consideration to:
 - a) The historic and architectural significance of the resource and its relationship to the historical integrity of the surrounding area.
 - b) The general compatibility of the architectural style, arrangement, texture, color, arrangement of color, and materials used on existing and proposed structures with the character of the historic resource and its site or the historic district.
 - c) Any applicable design guidelines adopted by the Commission.

d) Secretary of the Interior's Standards for Treatment of Historic Properties. These standards are as follows:

- 1) A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
- 2) The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.
- 3) Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.
- 4) Changes to a property that have acquired historic significance in their own right will be retained and preserved.
- 5) Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.
- 6) Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.
- 7) Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
- 8) Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.
- 9) New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
- 10) New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

5) *Findings.* Before approving any Site Alteration Permit, the Commission shall make findings that the alteration will not materially impair the integrity of the historic resource or historic district and is consistent with the applicable design guidelines adopted by the Commission, or if design guidelines have not been adopted, is consistent with the recommendations contained in the Secretary of the Interior's Standards for Treatment of Historic Properties. (Amended 02-03-03)

6) *Action by Commission.* If the Commission approves plan(s), it shall direct the Building Official to make a notation on the building permit and process the application. If the Commission denies plan(s), it shall immediately inform the Building Official in writing. The Commission shall furnish the permit applicant with a copy of the decision together with

recommendations for changes necessary before the Commission will reconsider the permit application.

- 7) *Minor Classes of Work.* Applications and plans for minor classes of work shall be approved by the Planning Director, as delegated by the Commission, when the work is in conformance with the approved guidelines and is on the list of minor classes of work prepared by the Heritage Preservation Commission. Review of minor classes of work is beneficial in expediting the permitting process where appropriate.
- 8) *Limitations.* If within 60 days from the filing of a Site Alteration Permit application the Commission has neither approved or denied the Site Alteration Permit application, the plans and permit application shall be deemed to have been approved by the Commission, and if all other requirements of the City have been met, the Building Official shall authorize a permit for the proposed work. By vote of the Commission and notification of the Building Official, the 60-day period may be extended by 15 days in cases where professional study or recommendation is required and the 60-day period is not sufficient to do the work.

Section 33. Regulation of Demolition and Relocation.

- 1) *Purpose.* The demolition or relocation of individual resources or resources within an historic district shall be discouraged. The Commission may, however, after careful consideration of the effect of the move on the resource in question and on the entire historic district, issue a Site Alteration Permit for moving or demolition of a resource.
- 2) *Action by Commission.* Upon receiving an application concerning the demolition or relocation of a historic resource or resource located in an historic district, the Commission within sixty (60) days after receipt of the application shall either approve or deny such application, or find that the preservation and protection of historic places and the public interest will best be served by postponing the demolition or alteration for a designated period, which shall not exceed one hundred eighty (180) days from the receipt of the application, and notify the applicant of such postponement.
- 3) *Public hearing.* In all applications involving the demolition or relocation of a resource or historic resource, provision shall be made for a public hearing as set forth in this article.
- 4) *Engineer study.* In any case involving the demolition or relocation of a resource or historic resource, before granting approval or requiring a postponement, the Commission may call on the City Engineer to provide them with a report on the state of repair and structural stability of the structure under consideration.
- 5) *Alternative undertakings.* Within the period of postponement of such demolition of any building, the Commission shall take steps to ascertain what the City Council can or may do to preserve such building, including consultation with private civic groups and interested private citizens and including investigation of the potential use of the power of eminent domain when the preservation of a given building is clearly in the interest of the general welfare of the community and of certain historic and architectural significance. The Commission may also require a reuse study be completed, at the owner's expense, to determine potential reuses of the building proposed to be demolished.

- 6) *Primary matters considered.* The Commission shall use the following primary criteria for review of a Site Alteration Permit for relocating or demolition. At least one of the following requirements must be met in order for the Commission to approve relocating or demolition of a historic resource.
- a) Retention of the resource constitutes a hazard to public safety that cannot be eliminated by economic means available to the owner, including the sale of the structure on its present site to any purchaser willing to preserve the structure.
 - b) Preservation of the resource is a deterrent to a major improvement program that will be of substantial benefit to the community.
 - c) Retaining the resource will cause an undue and unreasonable financial hardship to the owner, taking into account the financial resources available to the owner including the sale of the structure to any purchaser willing to preserve the building.
 - d) Retaining the resource is not in the interest of the majority of the community.
- 7) *Secondary matters considered.* If the primary criteria have been met for a historic resource or if the Commission is reviewing the relocation or demolition of a resource, then the Commission may consider any or all of the following secondary criteria in deciding whether to approve or deny the application:
- a) The merit of the structure to be demolished.
 - b) The effect of the demolition on the surrounding buildings.
 - c) The effect of the demolition on the historic district as a whole.
 - d) The value or usefulness of the proposed replacement structure to the community, and the appropriateness of its design to the historic district.
 - e) If the lot is to be left open, the impact of open space in that location and on the district as a whole.
 - f) The effect of the demolition on the local economy.
 - g) Whether the demolition will foster civic beauty.
 - h) Whether the demolition will stabilize and improve property values in the district.
 - i) The effect of the demolition on safeguarding the heritage of the City, State, or Nation.
 - j) The effect of the demolition on promotion of the district for the education, pleasure, and welfare of the citizens of the City.

8) *Findings.* Before approving any demolition, partial demolition, or relocation, the Commission shall make findings that the request is necessary to correct an unsafe or dangerous condition on the property, is necessary for a major redevelopment that is of substantial benefit to the community, or that there are no reasonable alternatives to the destruction. In determining whether reasonable alternatives exist, the Commission shall consider, but not be limited to, the integrity of the property and the economic value or usefulness of the existing structure, including its current use, costs of renovation and feasible alternative uses.

9) *Action by Commission.* If the Commission approves the demolition or relocation, it shall direct the Building Official to process the application ten (10) days after Commission approval in order to provide a period of time within which a party may appeal the Commission's decision to the City Council. The Commission may require that the exterior and interior of the historic resource be recorded, at the owner's expense, according to the documentation standards of the Historic American Buildings Survey (HABS).

In case of disapproval, the Commission shall state the reasons therefore in a written statement to the applicant and make recommendations in regard to appropriateness of design, arrangement, texture, material, color and the like of the property involved.

Section 34. Appeals to the City Council.

All decisions of the Heritage Preservation Commission ~~except designations and historic variances~~ (amended by Ordinance No. 792 in October of 2006) shall be final subject to appeal to the City Council. Any affected party may initiate appeals by filing the appeal with the Director of Planning. All appeals shall be filed within ten (10) working days of the date of the Commission's order and decision. A copy of the notice of appeal and statement setting forth the grounds for the appeal shall be transmitted to City Council and a copy sent to the Commission. City Council may overturn the Commission's order and decision by a majority vote of all members of the City Council. The Commission, in any written order denying a permit application, shall advise the applicant of the applicant's right to appeal to the City Council and shall include this section in all such orders.

Section 35. Public Hearings.

Public hearings shall be published in the City's official newspaper at least ten (10) days prior to the date of the hearing, and notice of the hearing shall be mailed at least ten (10) days before the day of the hearing to all owners of record of the property or properties in question and to all owners of property situated wholly or partly within 350 feet of the Heritage Preservation Site.

Section 36. Annual Report.

The Commission shall submit to City Council an annual report summarizing the work of the Commission during the previous calendar year. This report shall be submitted by October 30 of each year.

The annual report should list conferences or workshops attended by the Commission and staff, summarize applications heard by the Commission and their disposition, report any educational programs undertaken in the past year, note in detail any significant precedents set during the past year, and state the Commission's plans for the coming year.

Copies of the annual report shall also be submitted to the Director of Planning, Building Official, and the State Historic Preservation Officer.

The Planning Director shall submit a summary of all Site Alteration Permits, if any, to the Commission on an annual basis.

Section 37. Emergency Repair.

In emergency situations where immediate repair is needed to protect the safety of a building or structure and its inhabitants, the Director of Planning and Building Official may approve the repair without prior Commission action. In the case of an emergency repair permit issued pursuant to this Section, the Director of Planning shall notify the Commission of the action and specify the facts or conditions constituting the emergency situation.

Section 38. Enforcement.

In case any building or structure subject to the regulation of this ordinance is to be constructed, altered, repaired, converted, moved, or subjected to demolition in violation of this Ordinance, the Director of Planning, in addition to any other remedies, may:

- 1) Institute civil action for injunctive relief to stop, prevent, or abate a violation of this ordinance.
- 2) Issue a stop work order to prevent a continuing violation of this Ordinance.

A person, individual, partnership, firm, corporation, organization, institution or agency of government that violates this Ordinance shall be guilty of a misdemeanor and may be punished under Section 08 of Chapter 1 of the Code of Ordinances.

A person, individual, partnership, firm, corporation, organization, institution or agency of government that violates this Ordinance may be ordered by the court to pay the cost to restore or replicate a resource unlawfully constructed, altered, repaired, converted, moved, or subjected to demolition.

Section 39. Severability.

- 1) *Severability of text.* If any portion of this chapter is determined to be invalid or unconstitutional by a court of competent jurisdiction, that portion shall be deemed severed from the regulations, and such determination shall not affect the validity of the remainder of the chapter.

- 2) *Severability of application.* If the application of any provision of this chapter to a particular property is determined to be invalid or unconstitutional by a court of competent jurisdiction, such determination shall not affect the application of said provision to any other property.

Section 40. Effective Date.

This Ordinance shall be in full force and effect from and after its passage, adoption and publication according to law.

Passed and adopted by the City Council of the City of Chaska, Minnesota, this 15th day of July, 2002.