



## Milwaukee County Parks - Staff Memorandum

The Dock, Container Bar @ Bradford Beach House

January 15, 2021

The following review comments have been provided on plans received by Milwaukee County Parks (dated 6/2020) from The Dock for a proposed container bar at the Bradford Beach House. These comments reflect review by Parks Planning, Parks Operations, Parks Trades, Milwaukee County Office of Persons with Disabilities, and Milwaukee County Architecture & Engineering Divisions. These review comments are considered interim while the City of Milwaukee has review through the Department of Neighborhood Services pending. Milwaukee County Parks will finalize review during issuance of a right-of-entry permit for construction, which will refer to and include any City/State permits.

### 1. Utilities –

- a. Coordination with Parks Trades and Operations on utilities is necessary to establish that County standards are planned, as well as details on where connections, penetrations, and metering are planned. The outcome of this meeting should be documented and reflected in updated plans and permits. As of 1/15/21 this meeting was being planned.
- b. Plumbing permit does not yet name a contractor.
- c. The 6/2020 electrical permit lists only 100-amp sub-feeder change and should be revised to reflect the entire project scope.
- d. The 6/2020 plumbing permit only refers to 6 fixtures and should be revised to reflect the entire project scope.
- e. Will any telecom connections be necessary for the planned operation?
- f. Will food be heated? Will gas be necessary? Exhaust? Make-up air?
- g. Existing grease trap may not have capacity for what is routed, evaluation necessary.

### 2. Signage –

- a. Signage may only be lit during Park hours.
- b. Signs shall not be internally lit but should be lit by exterior lighting.
- c. Electrical connections for signage are unclear.



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3. Structural –

- a. Surface patching was completed in 2020. Patching product information shall be provided to Milwaukee County for project records.
- b. The slab should be x-rayed to avoid hitting reinforcing during const.
- c. Structural memos (Jan '20 and June '20) –
  - i. Anything that is a part of the final design load, including related wind, snow, and dead loads, should be accounted for in a revised structural memo.
  - ii. The consulting structural engineer must inspect the bottom of the subject slab.
  - iii. A site visit must be made to verify the capacity of the slab.
  - iv. Structural calcs are assumed to be reviewed as a part of the City permit and should be provided to Mke Cnty with that permit package.

4. Arch/Site Comments – 6/8/20 Set

- a. How is the proposed string lighting supported?
- b. How is the need for horizontality referenced in the City of Milwaukee COA staff report (attached) being addressed?
- c. Please provide documentation of State plan review, or equivalent, conducted by the City of Milwaukee.
- d. Site concrete condition west of the building should be documented before and after the delivery of the container and construction of the project. Any damaged pavement shall be repaired or replaced. This can be managed through a future Right-of-Entry permit with Parks.
- e. Detour plans should be developed for the Oak Leaf Trail during construction. Any closure of Lincoln Memorial Drive needs a separate review and approval. This can be managed through a future Right-of-Entry permit with Parks.

5. ADA review

- a. Provide record of the City of Milwaukee Dept of Neighborhood Services ADA review referenced in the City of Milwaukee COA staff report.
- b. Given the accessibility upgrades at the beach in 2020, Parks Planning supports full ADA accessibility to the container bar. Creation of an equivalent experience from an accessible route, or consideration of a ramp to the bar level, either from the beach or to the bridge that connects from the west should be evaluated.



- c. Milwaukee County's Office of Persons with Disabilities has agreed that an analysis must be performed regarding ADA and that access to this new venue would be paramount. As indicated in the Disproportionality Worksheet, "accessibility improvements outside the intended project scope are often required."
  
- 6. Lakebed Development – Food Service - Public Trust Doctrine
  - a. WIDNR is currently reviewing the proposal for compliance with the regulations applicable to lakebed lands in the Public Trust Doctrine.



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August 4, 2020

**CERTIFIED MAIL**

Sarah Toomsen  
Milwaukee County Parks  
9480 Watertown Rd.  
Wauwatosa, WI 53226

Dock Bradford, LLC  
782 Busse Highway  
Park Ridge, IL 60068

**RE: Resolution relating to a Certificate of Appropriateness for constructing a semi-permanent bar and an enclosed seating area, at 2400 N. Lincoln Memorial Drive, the Bradford Beach Pavilion, in the North Point North Historic District, for Milwaukee County and Dock Bradford LLC.**

Dear Applicants:

Your application listed above was heard at the Historic Preservation Commission meeting of August 3, 2020. At this meeting, the Commission granted your application with the conditions detailed in the attached Staff Report.

You can appeal the Commission's decision to the Common Council by filing a written request with the City Clerk by August 27th. I have also included a copy of any appeal requirements you might be required to comply with and the required documents. The appropriate Common Council committee will hear your appeal at its next meeting.

If you have any questions relating to the appeal process, please contact Linda Elmer at 414-286-2231.

Sincerely,



JAMES R. OWCZARSKI  
City Clerk





## Milwaukee Historic Preservation Commission Staff Report

LIVING WITH HISTORY

HPC meeting date: 8/3/2020  
Ald. Nik Kovac District: 3  
Staff reviewer: Tim Askin  
PTS #114996 CCF #200433

<b>Property</b>	2400 N. LINCOLN MEMORIAL DR.	North Point North HD
<b>Owner/Applicant</b>	MILWAUKEE COUNTY PARKS 9480 WATERTOWN PLANK RD WAUWATOSA, WI 53214	MILWAUKEE COUNTY PARKS 9480 WATERTOWN PLANK RD WAUWATOSA, WI 53214
<b>Proposal</b>	There are three components to this project, a bar, a three-sided seating enclosure, and freestanding furniture. The bar and seating enclosure are made of modified shipping containers.	
<b>Staff comments</b>	<p>This building falls into the North Point North District where addition guidelines are as follows:</p> <p>“Make additions that harmonize with the existing building architecturally and are located so as not visible from the public right-of-way, if at all possible. Avoid making additions that are unsympathetic to the original structure and visually intrude upon the principal elevations.”</p> <p>The building is public property and probably itself within the public right of way. An addition that is not visible or which is has limited visibility is not possible. With some modifications, the bar structure could be unobtrusive. Detailing should further emphasize the horizontality that is the primary design motif of the original building, particularly on the area below the counter and on the closing panels.</p> <p>For the seating enclosure, there is evidence that the upper deck was once filled with a brick structure, presumably changing rooms and showers. It is unclear when this was removed, but few people seem to remember its existence. Additionally, the criteria for approval listed in the HPC ordinance require that changes that have taken place over time be “recognized and respected.” The empty upper level has been present for decades and constitutes the general public conception of the building. Filling in the upper level with a structure and obstructing sight lines no longer aligns with the building's character.</p> <p>The proposed freestanding furniture and umbrellas are acceptable as proposed.</p> <p>NB. Neighborhood Services staff have raised concerns about accessibility requirements. There is no accessible path to the upper level. Per a site visit by HPC staff, parking and bathrooms may be close to minimum requirements. Bathrooms are not marked as to their accessibility.</p>	
<b>Recommendation</b>	Recommend HPC Approval with conditions	
<b>Conditions</b>	<ol style="list-style-type: none"><li>1. Deny seating enclosure</li><li>2. Modify bar structure below counter level and closure panels with materials that emphasize horizontality</li><li>3. Hold issuance for DNS review of ADA compliance, a requirement for a wheelchair lift would significantly impact the overall design concept.</li></ol>	
<b>Previous HPC action</b>		
<b>Previous Council action</b>		

new construction that also involves an application for a zoning change to a planned development district pursuant to s. 295-907-2, the commission shall confer with the commissioner of city development and shall coordinate the review of the application for a certificate of appropriateness for new construction with the review of the application for creation of the planned development district. This review and coordination may include holding a joint meeting of the historic preservation commission and the plan commission to consider both applications. To the extent practicable, the historic preservation commission and plan commission shall strive for concurrent consideration of the application for a certificate of appropriateness for new construction and the application for creation of the planned development district, and shall endeavor to provide a joint report to the common council. In the event that concurrent consideration cannot be achieved, the historic preservation commission and plan commission do not agree on a joint report or the historic preservation commission fails to act within a reasonable time on the application for a certificate of appropriateness for new construction, the appropriate common council committee shall hold a hearing on both the application for a certificate of appropriateness for new construction and the application for creation of a planned development district. In that case, the common council's action with respect to the approval, denial or modification of the application for creation of a planned development district shall also constitute action on the application for a certificate of appropriateness for new construction.

j. Additional Provisions; No Action Taken By Commission. Notwithstanding anything to the contrary herein, if the commission does not grant, grant with conditions, deny or, in the case of a request to demolish a structure, defer action on a certificate of appropriateness within 75 days of the date that the staff of the commission determined that the application was complete as to form, the application for a certificate of appropriateness shall be deemed deferred and the procedures set forth in par. f-2 shall govern further proceedings.

k. Issuance of Certificate. Upon the granting or conditional granting of a certificate of appropriateness by the commission, the commission's staff shall issue a certificate of appropriateness to the applicant. In the case of conditional granting of a certificate, the certificate shall only be issued upon the applicant's acceptance of the conditions placed on issuance of the certificate by the commission.

L. Appeal. If, upon a hearing by the commission, the application for a certificate is

denied or the certificate is granted conditionally and the applicant refuses to accept the conditions placed on the granting of the certificate, the applicant may appeal the denial or conditional granting of the certificate to the common council by filing a written request with the city clerk within 20 days after the mailing of the certified letter to the applicant of the commission's decision. The city clerk shall file the request to appeal with the common council. After a public hearing at the next regularly-scheduled meeting of the appropriate common council committee, the council may, by majority vote of the common council, reverse or modify the decision of the commission if, after balancing the interest of the public in preserving the subject property and the interest of the owner in using it for his or her own purposes, the council finds that, owing to special conditions concerning to the specific piece of property, failure to grant the certificate of appropriateness will preclude any and all reasonable use of the property or will cause unreasonable economic hardship for the owner, provided that any self-created hardship or failure to maintain the property in good repair shall not be a basis for reversal or modification of the commission's decision. If claiming that denial of the certificate or the conditional approval of the certificate causes unreasonable economic hardship for the owner, the applicant shall provide clear and convincing evidence that any hardship is not self-created or the result of failure to maintain the property in good repair, that there is no reasonable use for the property, that there is no reasonable way to adapt the property for alternative use, and that there has been no reasonable offer to purchase the property despite at least 2 years of ongoing substantial effort to sell the property other than an owner-occupied one- or 2-unit residential property, the applicant shall provide the following information to the city clerk not less than 5 days prior to the public hearing:

L-1. Property purchase information, including the purchase price the owner paid for the property, the name and legal status of the owner, the date of purchase and the name of the party from whom the property was purchased, including a description of the relationship, if any, between the owner of the property and the person from whom the property was purchased.

L-2. Property value information, including the most recent assessed value of the land and improvements thereon and any appraisals in the owner's possession or control prepared within the previous 2 years in connection with any purchase, financing, ownership change or attempt to sell the property, and the current and past uses, for at least the last 5 years, of the property.

**320-21-12 Boards, Commissions and Committees**

L-3. For an income-producing property, financial documentation for the property during the past 2 years, including tax returns showing annual gross income from the property, itemized operating and maintenance expenses for the property, real estate tax statements, proof of annual debt service, including mortgage balance and terms, annual cash flow and any federal income tax deductions or depreciation claimed for the property. For an owner-occupied residential property, income tax returns for the last 2 years.

L-4. All information within the owner's possession or control about attempts to sell the property, including all listings of the property for sale or rent, the price asked and any offers received.

L-5. All information within the owner's possession or control, such as plans, site assessments and other information, regarding any attempt to develop profitable, adaptive uses of the property.

L-6. Any other information that is relevant to the issue of whether denial of the certificate or the conditions placed on the certificate creates an unreasonable economic hardship for the owner, such as reports of licensed engineers or architects familiar with the property or cost estimates for work necessary to satisfy conditions on the certificate or the regulations contained herein, including any additional information requested by the common council or common council committee.

m. Location of Utility Meter. New installation of a natural gas meter or a utility meter on a historic structure, or on a structure on a historic site or within a historic district, shall not be permitted on a street-facing elevation of the structure.

n. Building Code Compliance. Insofar as it is applicable to a historic structure, historic site or structure within a historic district designated under this section, any provision of the building code shall apply, unless waived by the appropriate state or city officials as permitted by law. The commission may support or propose such waivers before the appropriate state or city appeals bodies.

**12. GUIDELINES FOR REHABILITATION.** In determining whether to issue a certificate of appropriateness for rehabilitation, the commission shall consider and may give decisive weight to any or all of the following:

a. Every reasonable effort shall be made to provide a compatible use for a property which requires minimal alteration of the exterior of a building, structure or site and its environment.

b. The distinguishing original qualities or character of a building, structure or site and its environment shall not be destroyed. The removal

of alteration of any historic material or distinctive architectural features should be avoided when possible.

c. All buildings, structures, and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier or later appearance shall be discouraged.

d. Changes which may have taken place in the course of time are evidence of the history and development of a building, structure or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.

e. Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure or site shall be treated with sensitivity.

f. Deteriorated architectural features shall be repaired rather than replaced, wherever possible. If replacement is necessary, the new material shall match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features shall be based on accurate duplications of features, substantiated by historic, physical or pictorial evidence rather than on conjectural designs or the availability of different elements from other buildings or structures.

g. The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken without a certificate of appropriateness.

h. Every reasonable effort shall be made to protect and preserve archeological resources affected by, or adjacent to, any project.

i. Contemporary design for alterations and additions to existing properties shall not be discouraged when the alterations and additions do not destroy significant historical, architectural or cultural material, and the design is compatible with the size, scale, color, material and character of the property, neighborhood, or environment.

j. Wherever possible, new additions or alterations to structures shall be done in such a manner that if the additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.

**13. TEMPORARY DESIGNATION.** a. Application. Any resident of the city seeking to nominate a structure, site or geographic area for designation as a historic structure, historic site or historic district may also seek temporary designation of that structure, site or geographic