

**City of Waukesha
Common Council**

In re

The Request of Waukesha County
for a Certificate of Appropriateness
for the Demolition of the Former Moor
Mud Baths/Grandview Health Resort/
Health and Human Services Building
at 500 Riverview Avenue

File No. LCOA 19-00024
Council Item No. 20-0137

Findings of Fact and Decision

Waukesha County having filed an application with the City of Waukesha Landmarks Commission for a Certificate of Appropriateness for the demolition of the former Moor Mud Baths and County HHS building, known as 500 Riverview Avenue; and the application having been denied by the Commission after a hearing held October 2, 2019; and the County having appealed the denial to the Common Council pursuant to Municipal Code §28.05(3)(f) and (g); and a hearing of the appeal having been held at a special meeting of the Common Council on February 11, 2020; and the County having appeared at the hearing by Erik Weidig, Corporation Counsel, and testimony and exhibits having been offered by Allison Bussler, Waukesha County Director of Public Works, and Shane Waeghe, Waukesha County Facilities Manager; and the Landmarks Commission having appeared by Timothy Andringa, Attorney at Law, and testimony and exhibits having been offered by Landmarks Commission member Jennifer Wall and Landmarks Commission Chair Lisa Salb; and an introductory presentation having been made to the Council by Community Development Department staff member Charlie Griffith; and upon the closing of testimony the Common Council having gone into closed session to deliberate pursuant to Wis. Stat. §19.85(1)(a) and then returning to open session pursuant to Wis. Stat. §19.85(2); and the Common Council being fully informed of the premises of the matter;

Now, therefore, the Common Council of the City of Waukesha, by a vote of 8 in favor, 5 opposed, upon a motion made and duly seconded in open session, makes the following Findings and Decision:

Findings

1. The former Moor Mud Baths building at 500 Riverview Avenue is designated a local historical landmark subject to Chapter 28 of the Waukesha Municipal Code, and is also listed in the National Register of Historical Places.

2. The 500 Riverview Avenue building, spring house, golf course and surrounding grounds, is the sole remaining intact resort dating to the City's springs era.

3. It is in the interest of the general public and the general welfare of the people of Waukesha and the State of Wisconsin that the history of the springs era be preserved.

4. Because it is an important part of the sole remaining example of a springs-era resort, 500 Riverview Avenue has important architectural and historical significance, such that its demolition would be detrimental to the public interest and contrary to the general welfare of the people of the City of Waukesha and the State of Wisconsin.

5. Waukesha County failed to maintain 500 Riverview Avenue, and that failure of maintenance has resulted in a need for extensive repairs to the building.

6. The expense of the necessary repairs to 500 Riverview Avenue is cited by the County as an economic hardship and a justification for the demolition of the building.

7. The economic hardship alleged by the County is self-created and the result of the County's failure to maintain the building in good repair, and was avoidable by the County.

8. The County proposes to demolish the building entirely, and the demolition would detrimentally change, destroy or adversely affect all exterior features of the subject property.

9. The County does not propose any new construction, and 500 Riverview Avenue does not lie within a historic district.

Decision

10. The Council's review of the Landmarks Commission's October 2, 2019 decision is de novo, and the Council must consider the five factors listed in Municipal Code §28.05(3)(b)(1) to (5) in deciding whether to approve the County's application for a Certificate of Appropriateness for the demolition of 500 Riverview Avenue.

11. Because 500 Riverview Avenue is not in a historic district and the County does not propose any new construction at the site, Municipal Code sections 28.05(3)(b)(2) and (3) do not apply.

12. Because the demolition of 500 Riverview Avenue would destroy the exterior features and improvements of the building and would be detrimental to the public interest and the general welfare of the people of the City of Waukesha and the State of Wisconsin; and the economic hardship alleged by the County is self-created as a result of a failure to maintain the building in good repair; the County's application for a Certificate of Appropriateness for the demolition is denied, pursuant to Municipal Code sections 28.05(3)(b)(1), (4), and (5).

13. The Common Council affirms the Landmarks Commission's October 2, 2019 denial of the County's application for a Certificate of Appropriateness for the demolition of 500 Riverview Avenue, and ratifies and adopts the Commission's October 14, 2019 written Findings of Fact and Decision.

Approved by the Common Council February 20, 2020.

Shawn N. Reilly, Mayor

Gina L. Kozlik, Clerk-Treasurer