

MINUTES OF A REGULAR MEETING

URBANA HISTORIC PRESERVATION COMMISSION

DATE: August 3, 2016

APPROVED

TIME: 7:00 p.m.

PLACE: Council Chambers, 400 South Vine Street, Urbana, Illinois 61801

MEMBERS PRESENT: Matt Metcalf, Gina Pagliuso, David Seyler, Kim Smith

MEMBERS EXCUSED: Scott Dossett, Alice Novak, Trent Shepard

STAFF PRESENT: Elizabeth Tyler, Director of Community Development Services;
Kevin Garcia, Planner II; Teri Andel, Administrative Assistant II

OTHERS PRESENT: Diane Marlin, Mary Pat McGuire, Dennis Roberts, Karl
Weingartner

1. CALL TO ORDER, ROLL CALL AND DECLARATION OF QUORUM

Kim Smith served as Acting Chairperson in the absence of Alice Novak. Acting Chair Smith called the meeting to order at 7:00 p.m. Roll call was taken, and a quorum was declared present.

2. CHANGES TO THE AGENDA

There were none.

3. APPROVAL OF MINUTES

The minutes of the April 6, 2016 Historic Preservation Commission regular meeting were presented for approval.

Ms. Pagliuso pointed out that Pages 5 and 6 of the May 4, 2016 meeting minutes were missing from the paper copy that she received as part of the packet. The Historic Preservation Commission moved this item on the agenda to the end of the meeting to allow the Planning Administrative Assistant II to make copies of the full set of minutes and distribute them.

4. WRITTEN COMMUNICATIONS

- ❖ Invitation to the Royer Plaque Dedication from Dennis Roberts
- ❖ May 4, 2016 Historic Preservation Commission Meeting Minutes

- ❖ Letter from Rick Aeilts of Erwin, Martinkus & Cole, Ltd. to James Simon, City Attorney, dated June 28, 2016
- ❖ Letter from Lorrie Pearson, Planning Manager, to Rick Aeilts dated July 26, 2016
- ❖ Excerpt from Section XI-10.E of the Urbana Zoning Ordinance

5. AUDIENCE PARTICIPATION

Dennis Roberts, Alderman of Ward 5, handed out invitations to the Royer Plaque Dedication Ceremony. He talked about the Lincoln Lodge Motel, noting that it was the last building that Joseph Royer had designed before his death. He talked about the history and significant features of the building. The dedication would be held on Thursday, August 11, 2016 at 1:00 p.m. at the Lincoln Lodge Motel located at 403 West University Avenue.

6. CONTINUED PUBLIC HEARINGS

There were none.

7. OLD BUSINESS

There was none.

8. NEW PUBLIC HEARINGS

HP-2016-L-03 – An application submitted by Meghan McDonald to designate the house at 804 South Lincoln Avenue (referred to as the Trelease Home) as a historic landmark.

Acting Chairperson Smith opened this item on the agenda and stated the procedure for a public hearing. Kevin Garcia, Planner II, presented this case to the Historic Preservation Commission. He began by stating that the application was submitted on May 16, 2016. Vision Housing, LLC is the property owner, and the owner is opposed to the landmark nomination. He explained that the application was received after the demolition delay period had expired. He talked about the history of the house. He reviewed how the subject building related to the criteria in Section XII-5.C of the Urbana Zoning Ordinance. Of the seven possible criteria, City staff recommended that 804 South Lincoln Avenue qualified under ~~eriterion~~ Criterion b.

He read the options of the Historic Preservation Commission. Although the application met one of the criteria, City staff felt that the Historic Preservation Commission could consider other factors in determining whether to landmark the property. The current owner is in the process of developing plans for redevelopment of the property. There is a valid demolition permit issued for the building. Demolition could occur even if the landmark nomination is approved since the application for the landmark nomination was not submitted until after the delay period to issue a demolition permit had expired. Therefore, designation as a landmark could possibly hasten demolition of the property. If the building is not landmarked, then it could prolong the life of the building. There are currently tenants living in the building, and the building is producing income. The owner may change his mind about demolishing the building and decide to rehabilitate the existing building instead.

Considering all of the facts, the City staff recommended denial of the proposed application for landmark designation.

Acting Chair Smith asked if the Historic Preservation Commission members had any questions for City staff.

Mr. Seyler asked how long the demolition permit was good for. Mr. Garcia explained that the permit was good for 90 days and would expire on August 15th; however, the owner could ask for an extension. Elizabeth Tyler, Director of Community Development Services, added that the City routinely extends expiration dates on demolition permits as long as progress is made towards the demolition. Progress could mean getting quotes/bids on demolition or contacting salvage organizations. So, the City would need to be careful and have good reason to deny an extension.

Ms. Smith wondered if the Historic Preservation Commission members should only use the criteria as a guide in deciding whether to recommend approval or denial of the landmark nomination. Ms. Tyler responded saying that the Commission should only approve a nomination based on whether it meets one of the criteria in Section VII-5.C of the Urbana Ordinance; however, they are not compelled to designate a property if it meets one or more criteria. Sometimes a property barely meets the criteria and there may be other factors that the Commission could consider.

Ms. Pagliuso inquired about the dates of when the demolition permit was applied for, when the delay period expired and when the application for landmark nomination was submitted. Ms. Tyler clarified that the demolition permit was applied for on March 28th. The 45-day delay period expired on May 12th, and the landmark application was submitted on May 16th. City staff issued a demolition permit on May 17th.

Ms. Pagliuso noted a correction in the language for the staff recommendation. It should say, "*Under criterion (e), it is associated with an important person in national and state history...*". Mr. Garcia accepted that correction.

Ms. Pagliuso expressed concern about additional language in the staff recommendation. Paragraph 2 talks about "*the property being zoned and planned for high-density residential use*" and Paragraph 3 talks about the possibility of "*preserving the property*" if they do not landmark it. Mr. Garcia explained that it ties back to the previous discussion of there being an active demolition permit. If the building is landmarked, then the owner has more incentive to demolish the building immediately. Not landmarking the building gives less incentive for the demolition of the building immediately, so it would be preserved for longer even though we do not know how long the preservation would be for. Ms. Tyler added that there is a potential for a change of ownership. It has a higher zoning, and the current owner has a development expectancy based on the purchase and the purchase price. Future owners may not have the same expectation. It is about timing and the expectation of ownership. City staff is just trying to lay out the facts and play out some possible consequences. We do not know the events of the future.

Ms. Pagliuso questioned when the current leases expire. Mr. Garcia stated that City staff was not privy to the lease information.

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Ms. Pagliuso wondered if there was a valid protest on file from the current owner. Mr. Garcia replied no, but a valid protest does not have to be submitted until the Wednesday before the City Council meeting. Ms. Tyler believed that the letter submitted from the owner's lawyer to the City Attorney protested the landmark nomination.

Ms. Pagliuso asked if there was a letter that the Commission had not been privy to. Ms. Tyler indicated that the letters might be attorney privilege. After review of the contents of two letters (one from the owner's lawyer to the City Attorney and a second letter from Lorrie Pearson, Planning Manager, to the owner's lawyer), Ms. Tyler suggested that the Commission take a recess to allow City staff to make copies of the letters and distribute them to the Commission members and to allow the Commission time to read the letters.

Ms. Pagliuso expressed concern about the case having been continued in July without the Historic Preservation Commission holding a meeting to open the case and continuing it. Mr. Garcia replied that there had been an amendment to the text in the Zoning Ordinance to allow cases to be continued without convening a meeting. Mr. Metcalf stated that any future changes to the Zoning Ordinance that would affect the Historic Preservation Commission should be presented in writing to the Commission members before the changes are approved. Mr. Garcia acknowledged this to be a valid point especially since not all the boards and commission allow applicants and/or owners to request continuances. During a recess, he would provide copies of this change in the Zoning Ordinance to the Historic Preservation Commission members.

Mr. Metcalf moved that the Commission take a 10-minute recess at 7:52 p.m. Ms. Smith seconded the motion. The Commission members agreed unanimously.

The meeting reconvened at 8:08 p.m. Acting Chair Smith acknowledged that the letter from Rick Aeilts of Erwin, Martinkus & Cole, Ltd. to James Simon, City Attorney, dated June 28, 2016 and the letter from Lorrie Pearson, Planning Manager, to Rick Aeilts dated July 26, 2016 had been distributed and entered into the record as had an excerpt from Section XI-10.E of the Urbana Zoning Ordinance regarding continuances.

Ms. Pagliuso questioned the date when the application was submitted. The reason she asked was because the applicant, Meghan McDonald, had signed and dated the application on May 12th. Mr. Garcia said that the application was submitted on May 16, 2016.

With there being no further questions for City staff, Acting Chair Smith opened the hearing for public comment and/or questions. There was none. Acting Chair Smith closed the public input portion of the hearing and opened it for discussion and/or motion(s) by the Historic Preservation Commission.

Mr. Metcalf commented that the nomination for landmark of the home is based on the history of the home and it is not tied to a demolition delay. City staff had told them that in this case they can look at other factors when making a decision. He expressed disappointment that neither the applicant nor the property owner showed up to this meeting to speak either in favor or opposition.

He felt the home was beautiful and that City staff did a detailed and thorough report. He felt that some arguments could have been made about the architectural style in the nomination that was not made. This house falls into the Eclectic Period and is modelled after European inspired housing. In all cases of local architecture, there are local influences. The nominator did discuss that this particular era showed wealth. During the period, one could pick and choose the kinds of elements they wanted to have in this type of style or could have a plan and make changes to it.

He also believed that the nominator could have made an argument about the cultural impact under Criterion *a* of William Trelease on the local community and the University of Illinois. While it does meet part of Criterion *c* in that it has a high degree of integrity, the applicant failed to provide evidence in pinning down the Eclectic style and went with Tudor Revival instead. He understood why the City staff did not feel that it met the first part of Criterion *c*. Although it could qualify under Criterion *b*, he did not feel it was a strong case. Although the political factors were well stated, he was trying not to consider them. On the other hand he did not believe that there was a chance the house would survive.

Ms. Pagliuso pointed out that the subject property had been surveyed and the survey was labelled as Exhibit C in the packet. The survey detailed the building's significance, the Craftsman style and about William Trelease.

She agreed with Mr. Metcalf in not trying to consider the political aspect. She serves on the Historic Preservation Commission because she believes in preserving historic properties. She also agreed that the nominator did not make a strong case for most of the seven criteria. It is the nominator's responsibility to show evidence of meeting the criteria. While City staff filled in a lot of details in the written staff report, the only criterion that the nominator showed evidence of being relevant is Criterion *b* regarding William Trelease. It is the duty of the Historic Preservation Commission to base their decision on the nominator's evidence.

Mr. Trelease is a historical figure, very prominent and very well-known. He has a mountain named after him. This was the only criteria that she would consider.

Mr. Seyler agreed that Criterion *b* was the only criteria that qualified in this case. The landmark nomination was only required to meet one of the seven criteria, so Criterion *b* was enough. However, landmark designation would not prevent demolition of the building and might even hasten demolition. Therefore, he did not feel that landmarking would benefit anyone.

Ms. Smith also agreed that the landmark nomination met Criterion *b*. Mr. Trelease was a prominent botanist. Unfortunately, the nominator did not provide evidence of the Eclectic style of the house. It was a good example of Craftsman and Prairie style.

Mr. Metcalf thanked the nominator for making the nomination. It is a place that is memorable to people and is special in that regard.

Ms. Pagliuso stated that she was torn about this case. Ms. Tyler stated that the proposed landmark nomination would be forwarded to the City Council with a recommendation; however, it does not

have to be a recommendation to approve or deny the request. It could be a general recommendation.

Ms. Pagliuso moved that the Historic Preservation Commission forward Case No. HP-2016-L-03 to the City Council with the recommendation that the nominator had proven the building at 804 South Lincoln Avenue met Criterion *b* of the Historic Preservation Ordinance. It is associated with an important person or event in national, state or local history. So, the City Council should approve the nomination based on this. Mr. Seyler seconded the motion.

Mr. Metcalf stated that the Historic Preservation Commission was being seen by many people in the City as willing to preserve anything that comes before the Commission. He considers himself to be a trustee of local history. He did not feel that the proposed nomination was overwhelming. Although he agreed that William Trelease was significant, he did not feel it was enough to landmark a building in this case based on this nomination. He wanted to be respectful of the nominator, of the City Council members, and of the property owners. Therefore, he did not feel that he could support the motion.

Mr. Seyler commented that the Historic Preservation Commission is about preserving houses. It seemed that there might be a slim chance to preserve it by not landmarking it; whereas, if they landmark the building then it seemed probable that the house would be demolished.

Ms. Smith stated that she had to support the nomination because of Criterion *b*. Mr. Trelease was a prominent person in the University of Illinois' history and in the nation's history. She did not believe it would make a difference in saving or preserving the life of the house whether or not it was landmarked.

Ms. Pagliuso explained the reason for making a motion to approve the nomination after saying that she was torn. After reading the Zoning Ordinance, it became clear to her that the decision is for City Council to make because the property owner is opposed to the nomination. She believed that Mr. Trelease was a very important person and that is significant enough to recommend approval.

Roll call was as follows:

Ms. Pagliuso	-	Yes	Mr. Seyler	-	Yes
Ms. Smith	-	Yes	Mr. Metcalf	-	No

The motion was approved by a vote of 3 to 1. Mr. Garcia noted that the case would be forwarded to City Council on August 15, 2016.

NOTE: APPROVAL OF MINUTES Continued

Ms. Pagliuso moved that the Historic Preservation Commission approve the minutes of the May 4, 2016 meeting. Mr. Metcalf seconded the motion. The minutes were then approved by unanimous voice vote.

9. NEW BUSINESS

There was none.

10. MONITORING OF HISTORIC PROPERTIES

- HP-2016-COA-01 – Work to repair the concrete landing and steps on the west side of the house at 810 West Main Street has been completed. The C of A for the work had been administratively approved.
- Historic Landmark Hotel – Ms. Pagliuso inquired about the status of the hotel. Ms. Tyler replied that the hotel is still closed even though the owner resolved the defect in the fire alarm system. There is a purchase agreement that City staff is actively working with a proposed purchaser.

11. STAFF REPORT

Mr. Garcia reported on the following:

- Update on Historic Resources Web Map – The map had been completed and is available on the City’s website at <http://www.urbanaininois.us/residents/historic-urbana/100-most-significant-buildings/buildings>.

Mr. Metcalf commented that the map was very interactive and modern. It provides great photos and information. He suggested making it clear what properties are registered and what properties are not. Mr. Garcia agreed. He planned to use different colors to represent each.

12. STUDY SESSION

There was none.

13. ANNOUNCEMENTS

Mr. Metcalf stated that there have been past nominations that have been controversial. There have been different interpretations cast about how much external information the Commission could consider. He asked if City staff could pin down external information the Commission could consider and when. Ms. Tyler replied that the Commission needs to tie nominations to the seven criteria in the Zoning Ordinance. However, this doesn’t mean that if a building meets a criterion that the Commission must approve a nomination. The Commission could prioritize or use a resource like the “100-Most Important Buildings”. It would help if the Historic Preservation Ordinance was clearer and that is something City staff could work on if the Commission wanted to have more discretion. Different people will have different interpretations, but what matters is the evidence that is presented in a case. Invariably, buildings will be nominated when the buildings become threatened making the nominations more controversial.

Ms. Pagliuso asked if the City Council had ever directed City staff to look at the Historic Preservation Commission. Ms. Tyler stated that sometimes they get direction from City Council through motions and other times the Council makes suggestions that align with goals or tasks that City staff wants to make changes to.

She believed that adding some clarity and broadening the criteria might help the Historic Preservation Commission and the City Council. The current Historic Preservation Ordinance is strong and is tilted more towards preservation than in many other communities. It is not just the Ordinance but how it is administered. The City of Urbana does not require application fees for landmark and district nominations. We also administratively waive building permits to promote more landmarks and districts. We are also main-stream for best practices as well. The Chair of the Historic Preservation Commission is a professor of Preservation at the University of Illinois.

She did not know if City staff would get clear direction on how to update the Ordinance since the Council members have different values and beliefs. There are some members that are more favorable to preservation regardless of circumstances and others that are more skeptical and about the property rights. When property rights are questioned, then there are usually attorneys pressing against preservation of buildings.

The other difficult thing with preservation is that there needs to be an economic use of a landmarked building; otherwise, it will fail in preservation. She would like to see more significant buildings be landmarked in Downtown Urbana.

She noticed that our older, residential neighborhoods are not historic districts as they are in other communities such as Bloomington/Normal. Instead of pursuing historic districts, the City of Urbana downzoned and right zoned. There is a section in the Zoning Ordinance on "Neighborhood Conservation Districts". It was intended to be a way for neighborhoods to self-organize and provide some level of preservation without all of the controls. When it came down to it, the appetite to constrain one's own properties was not there. People ~~are can be~~ quicker to preserve their neighbor's property than their own, and they ~~are can be~~ quicker to use historic preservation as a tool to prevent development than to ~~actually~~ preserve the best and brightest properties. This is why we get controversy.

14. ADJOURNMENT

Mr. Seyler moved that the meeting be adjourned. Mr. Metcalf seconded the motion. With all Commission members in favor, the meeting adjourned at 9:06 p.m.

Submitted,

Elizabeth H. Tyler, Ph.D., FAICP
Historic Preservation Commission Recording Secretary