

**MINUTES OF A REGULAR MEETING**

**URBANA HISTORIC PRESERVATION COMMISSION**

**DATE:** January 6, 2016

**APPROVED**

**TIME:** 7:00 p.m.

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

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**MEMBERS PRESENT:** Scott Dossett, Matt Metcalf, Alice Novak, Gina Pagliuso, Kim Smith

**MEMBERS EXCUSED:** David Seyler, Trent Shepard

**STAFF PRESENT:** Lorrie Pearson, Planning Manager; Kevin Garcia, Planner II; Teri Anel, Administrative Assistant II

**OTHERS PRESENT:** Brian Adams, Susan K. Appel, Debora Barbosa, Carolyn Baxley, Richard Cahill, Gary Cole, Andrea Decker, Andrew Fell, Craig Foster, R. Chris Fraley, Tom Garza, Kevin Hunsinger, Linda Lorenz, Dan Newman, Dannie Otto, Dennis Roberts, David Thies, Kara Wade, Karl Weingartner, Steve Whitsitt

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

Chair Novak called the meeting to order at 7:01 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 December 2, 2015 Historic Preservation Commission regular meeting were presented for approval.

Ms. Smith made a motion to approve the minutes as written.

Kevin Garcia, Planner II, requested a change to the minutes to add Tim Hodson, Web Mapping Intern, to the list of STAFF PRESENT on Page 1. Ms. Smith accepted the change.

Ms. Pagliuso seconded the motion. The minutes were approved as amended by unanimous voice vote.

#### 4. WRITTEN COMMUNICATIONS

**COMMUNICATIONS FOR CASE NO. HP-2015-L-01** (*These were mentioned during City staff's presentation of the case.*)

Communications Received in Support of Historic Landmark Nomination

- Email from Sherri Brewer
- Email from Eric Jakobsson
- Email from Robin Kearton
- Email from Stuart Martin
- Email from K. S. McKinn
- Email from Becky Mead
- Email from Gale Walden
- Email 2 from Gale Walden
- Email from Eunice Weech

Communications Received in Opposition of Historic Landmark Nomination

- Email from Joseph Wetzel
- Owner's Memorandum in Opposition submitted by Webber & Thies, P.C. (*see Case File for Copy*)

Other Communications Relating to the Case

- 1923 and Amended 1945 Sanborn Maps submitted by Alice Novak
- Excerpt from Section XII-5. Historic Landmarks of the Urbana Zoning Ordinance

#### COMMUNICATION REGARDING OTHER TOPIC(S)

- 2016 Meeting Schedule for the Historic Preservation Commission
- Email from Maggie Wachter regarding a bus shelter located at Buena Vista Court

#### 5. AUDIENCE PARTICIPATION

There was none.

#### 6. CONTINUED PUBLIC HEARINGS

**Case No. HP-2015-L-01 – A request by Brian Adams to designate the Stephen S. Henson House located at 611 West Elm Street as a local historic landmark.**

Chair Novak re-opened this case and reviewed the procedure for a public hearing based on the Historic Preservation Commission By-Laws adopted on November 5, 2014. Lorrie Pearson, Planning Manager, stated a few reminders regarding consideration of communications and evidence presented and cross examination by the nominator and/or opponents. Only information received as part of the public hearing can be considered by the Commission in their decision.

## CITY STAFF PRESENTATION

Kevin Garcia, Planner II, presented Case No. HP-2015-L-01 to the Historic Preservation Commission. He began by reviewing the application process and presented background information on related cases, nearby landmarks, Elm Street Historic District proposal, and history on the subject property. He mentioned that the property must meet one of the seven criteria in Section XII-5.C of the Urbana Zoning Ordinance. In the application, the applicant stated that the property meets Criteria A and Criteria C. He, then, discussed how the proposed landmark nomination relates to all seven criteria. He read the options of the Historic Preservation Commission and presented City staff's recommendation for denial of the application.

Ms. Pearson summarized the communications received by City staff in support and in opposition. Ms. Pagliuso added into evidence a communication that she received from Alderman Jakobsson in October of 2015.

Chair Novak asked if the Commission members had any questions for City staff.

Mr. Metcalf inquired if any of the other similar Dutch Colonial homes in the City of Urbana had applied for or been denied some form of historic preservation. Mr. Garcia replied no. Ms. Pearson noted that 605 West Oregon Street and 702 West Pennsylvania Avenue were on the 100-Most Significant Buildings list.

Ms. Pagliuso asked if either of these two properties had the exact same characteristics as the house at 611 West Elm Street. Mr. Garcia responded no. After looking at all of the Dutch Colonial Revival houses in the City of Urbana, he noticed that they each have a mix of architectural features. No two houses were the same, but that is the same for most houses that are not located in subdivisions. He showed a picture of 605 West Oregon Street and explained that he did not include a picture of 702 West Pennsylvania Avenue because it had a side-facing gambrel roof. The pictures in the packet only are of houses with front facing gambrel roofs.

Ms. Smith stated that she is a member of the MOR Development Review Board and was present at the meeting on September 30, 2015 when the Board reviewed and approved the proposal for a five-unit apartment development at 611 West Elm Street. This meeting was held prior to Brian Adams submitting an application for landmark nomination. She noted that at the meeting she heard testimony from the owner, the owner's representative, and the public regarding the property and its future use.

With no further questions for City staff, Chair Novak asked the nominator/petitioner to make a statement outlining the nature of his request. She pointed out that the directive for the Historic Preservation Commission is to consider whether 611 West Elm Street is eligible for any of the designation criteria. So, she urged the public to keep their comments focused on the criteria as much as possible. Ms. Pearson posted the seven criteria on each table for the speakers.

## NOMINATOR/PETITIONER STATEMENT

Brian Adams, petitioner, approached the Historic Preservation Commission to speak. He stated that he submitted the application of landmark nomination based on two of the seven criteria.

The first basis is for the social heritage of the community in Criterion A. He summarized the history of West Elm Street noting why he believed this criterion was applicable. West Elm Street is one of the oldest streets in the City dating back to the founding days of the community. Moving west from Race Street, where West Elm Street being, there is a progression from a civic, urban downtown setting to a residential setting. Many of the movers and shakers settled around the 400 or 500 block of West Elm Street. Stephen Henson, the original owner of the subject property, owned several properties in Champaign County. Although he did not have much fame, he contributed to the growth and prosperity of the community. He talked about Clark Robinson-Griggs and B. F. Harris, who contributed to the civic and economic development of the community but who also did not have high titles.

The second basis is for the architectural characteristics of the Dutch Colonial Revival style. Even though the house has integrity issues, it is still a unique example of this type of architecture.

Ms. Pagliuso asked what unique features the house has. Mr. Adams replied that the west side of the house has a window that is baroque looking, and the east side has a leaded-glass window.

Susan Appel joined Mr. Adams to explain some of the unique features of the house at 611 West Elm Street. She mentioned that she had contributed to the architectural description in the application. There is an interesting combination or variety of features that demonstrate the relationship between the Dutch Colonial and the General Colonial Revival including the Neo Classical qualities that were a part of the general movement at the end of the 19<sup>th</sup> and the beginning of the 20<sup>th</sup> centuries. She stated that the house has fan lights on the side crossed gambrels with a surround and arched quality. It has a semi-keystone feature at the top of each of these windows, and dentilated cornices. She stated that this was a very eclectic period in architecture and it contained features from many sources and mixed them up. For this reason, it is very seldom that you see the same exact design in Colonial Dutch. This house speaks to the Dutch Colonial Revival style.

While the porch had been changed and enclosed, it would be possible to restore the porch and make it look like it did originally. The house is important in terms of scale and how it sits within the neighborhood. She does not agree that they should look at the proposed house as a single entity because we do not look at architecture one building at a time. The proposed house is part of a neighborhood that still consists of seven or more homes in similar scale and style. To replace the existing house with a three story apartment building would alter a possible historic district in ways that could not be fixed.

Mr. Adams noticed that in the written staff report, City staff changes the terminology regarding the porch as being enclosed to calling it an addition. He didn't believe that it was an addition because according to early Sanborn maps, the floorplan was exactly the same as it is today. He believed the porch was only enclosed and so it wouldn't have the same impact as being an addition onto the original structure. Ms. Smith stated that the roof is the only remaining part of the original porch structure. Mr. Garcia added that he was inside the structure and there are no design features, such as columns, of the porch left. Everything below the tabature and the roof was changed, so it appears to be an addition, which is the reason for the change in language in the written staff report.

Ms. Pagliuso asked if the back porch was an addition or was it just enclosed. Ms. Appel said that she did not know. While this part of the house has clapboard siding as does the rest of the house and the window on the south wall is vintage and matches many of the windows on the rest of the house, the door is fairly modern.

Mr. Metcalf asked if Ms. Appel considered the features of the house special since they may not be unique. Ms. Appel replied yes. There are many special features outside as well as inside. When you put all of the features together, they speak to this style of architecture and period of time.

#### CROSS EXAMINATION OF NOMINATOR/PETITIONER BY OPPONENT OR OPPONENT'S REPRESENTATIVE

David Thies, attorney representing the owner, approached the Historic Preservation Commission, stated that they do not have any questions for Mr. Adams or Ms. Appel.

#### OTHER PROPONENTS TESTIMONIES

Linda Lorenz approached the Historic Preservation Commission to speak in favor of the landmark nomination. She mentioned that she had worked with Mr. Adams and others in preserving the character of Elm Street. She stated that it is unfortunate that a person is allowed to make changes to these old houses before they can be designated as historical landmarks or districts because the damage is done and it becomes too late to save them. Elm Street is one of the oldest streets in the City of Urbana, and there are many beautiful, big houses. It would be sad to see this property redeveloped into another apartment building.

Dannie Otto approached the Historic Preservation Commission to speak in favor of the landmark nomination. He mentioned that he serves on the MOR Development Review Board. He owns the Dutch Colonial house at 606 West Illinois Street. When he purchased the house, it had aluminum siding. Other than the original windows that are covered by aluminum storm windows, there are no features left other than the roof profile that would bear witness to the Dutch Colonial architectural style.

Regarding Criterion A, there are many values listed other than just social heritage. From his understanding of how it reads, the property only needs to meet one of those values. City

staff's analysis of this criterion only discussed the social heritage value; however, there is a very strong case that there is architectural value as well. He believed that City staff's discussion missed some of the point that Mr. Adams made in his application. Mr. Otto felt that 611 West Elm Street qualified under Criterion A.

Regarding Criterion C, he stated that City staff divided this into two parts. While staff stated in their report that it meets the first part of the criterion and does have distinguishing characteristics of a Dutch Colonial Revival style house, it did not meet the second part of retaining a high degree of integrity. He disagreed with City staff's analysis. Having a staircase on the outside of the house leading to the second floor does not disqualify the property from having a high degree of integrity because there are two houses at 502 and 504 West Elm Street that are historic landmarks and each have massive stair casing. If a person wanted to use the subject property as a single-family residence, the outside staircase could be removed without a great amount of work. He talked about how the porch was probably enclosed and stated that a person could restore the porch to the original look.

From the photo inventory of other Dutch Colonial homes in the City of Urbana, none of these homes have a fan feature with leaded glass. There are many architectural details on the proposed house that are no longer available on the other homes in the inventory.

Mr. Otto spoke about the other homes in the neighborhood, particularly on the same block as the proposed property. He noted that there are not many blocks in the neighborhood that are intact as this block.

Carolyn Baxley approached the Historic Preservation Commission to speak in favor of the landmark nomination. She mentioned that she and her husband own three properties on Elm Street including the Bill's House, which is a local landmark. She reiterated that Elm Street was one of the most significant streets in the City of Urbana at one time.

Whether or not the subject house compares to other Dutch Colonial style homes is not the point of this review, and Criterion A does not say that the subject property has to be unique. It says that it has to have significant value as part of one of the listed items. The case has been made quite clearly that the subject house is one of the best examples of Dutch Colonial style home. It may not be the only example in the City, but it is the only one being considered during this public hearing.

She talked about when they replaced the porch on the house they live in and how they found the original footings, which had nothing to do with the porch they were replacing. Therefore, at some point between 1892 and 1981, the porch had been changed at least once before. The point is that porches are fluid things. Columns and floor boards rot, and it is not unusual to have porches replaced. Just because the porch on the subject house was changed, that does not mean that the house does not retain architectural integrity. It has the footprint and the porch detailing. It could easily be returned to its original look.

The house is associated with someone unique to history. Reverend Donald Waldon, one of Mr. Henson's sons, grew up in the proposed house. When he got older, he was very active

in the Civil Rights Movement in the 1960s. He marched with Dr. Martin Luther King in 1966, and he was jailed in Mississippi for his efforts.

The language in Criterion E is vague, but she stated that the proposed house is certainly identifiable as a feature of Elm Street. It is one of a trio of houses that is still virtually intact in this area. To allow the demolition of this house and for it to be replaced with an apartment building might cause a domino effect with the other two homes. Also, its proximity to the Ricker House is another important reason to retain it.

Ms. Baxley went on to talk about the intent and purpose of the MOR District. Somewhere along the way, the intent and purpose got lost. One of the main purposes for the MOR District was to prevent further erosion of existing homes and to encourage adaptive reuse of existing structures. She felt the City should impose a moratorium on development/redevelopment in the MOR District until this issue can be resolved.

Tom Garza approached the Historic Preservation Commission to speak in favor of the proposed landmark nomination. He stated that Criterion A pivots on the word “significant”. No building exists in a vacuum. They all exist in their context and location. While there may not be any significant history with the house by itself, if you allow it to be demolished, then you will see a significant void in the neighborhood that will forever change the character. So, in this sense, the house has a great deal of significant value.

If the MOR Development Review Board can accept a railing around a deck as being a porch, then the City should also accept an enclosed porch as still being a porch.

Dan Newman approached the Historic Preservation Commission to speak in favor of the proposed landmark nomination. There are many intact houses on Elm Street, east of Coler Avenue.

In the City’s written report, it states that the house has integrity with regards to all aspects except for the porch and the material used on some of the windows. Does this mean that his house, the Ricker House which is a local landmark, has no integrity because the porch was replaced?

#### CROSS EXAMINATION OF OTHER PROPONENTS BY OPPONENT OR OPPONENT’S REPRESENTATIVE

Mr. Thies approached the Historic Preservation Commission and stated that they had no questions for anyone who testified in favor of the proposed landmark nomination.

#### OPPONENTS/OPPONENT(S) REPRESENTATIVE STATEMENT

Mr. Thies stated that his firm, Webber & Thies, represents the owner, Hunsinger Enterprises, of the subject property. The owner requests that the Historic Preservation Commission recommend against the proposed landmark nomination. He explained that Kevin Hunsinger, Andrew Fell, Steve Whitsitt and Gary Cole each provided a report

included in the Memorandum in Opposition and would present a summary of their reports to the Historic Preservation Commission. He presented the Memorandum in Opposition into evidence. He noted that the text of the Zoning Ordinance that they were working with is the one that came with the petition that was served upon Hunsinger Enterprises. He acknowledged that there had been some changes made recently to the Zoning Ordinance; however, he did not believe the changes were relevant to what was being considered at this public hearing.

Kevin Hunsinger, President and Shareholder of Hunsinger Enterprises and representative of the owners, approached the Historic Preservation Commission to speak in opposition of the proposed landmark nomination. He gave a brief background of how he got into the business of rehabbing and developing properties. He talked about several of his rehab projects and mentioned that he has received two separate Respected Design Heritage Awards from PACA, Preservation and Conservation Association.

He mentioned that he purchased 611 West Elm Street in 2004. It was in disrepair, but he was able to fix it up and rent it out to six people. Over the course of time, the deterioration of the interior became more extensive and major renovations became needed. At the same time, the City of Urbana changed the Ordinance and he was only allowed to rent to four people instead of six. This reduced his revenue, and it reduced his ability to make renovations to the house. The house needs a new roof and the mechanical system needs to be replaced. If he starts these renovations, then he has to meet all the new building codes, and the project snowballs. He found himself in a situation where the revenue no longer justifies rehabbing the house.

He decided to demolish the house and redevelop the property. He hired Andrew Fell to design a new apartment building. They worked with City staff and came up with a plan that required no variances. The MOR Development Review Board approved the construction of the new apartment building.

The Historic Preservation Commission had even been asked to comment on the property for the MOR Development Review Board's review. There were no negative comments. He had spent a lot of time and money redeveloping the property and gets approval from the City to start the project. So, he was shocked to see his property nominated for landmark designation at the last minute when he was getting ready to demolish the existing house.

The porch distracts from the house having historic significance. Also, it has vinyl windows. If a property was already designated as a historic landmark, the Commission would not allow the owner to replace the windows with vinyl windows. So, why would the Commission approve a landmark nomination of a house that already has vinyl windows installed in it?

He believed the nomination was not to landmark his property. The historic preservation landmark process was being used to stop development. Stopping development is not the purpose of historic preservation. The application does not contain much information about

the property itself. It is mostly about the City of Urbana. So, he did some research and hired professional staff to prove the value in his opposition.

Chair Novak reminded the audience to focus on the seven designation criteria when speaking in favor or in opposition of the case. Mr. Thies replied that he understood; however, when looking through the Zoning Ordinance, he realized this would be the only place for them to produce evidence. Ms. Pearson noted that he was correct.

Gary Cole, Historic Preservation Attorney and Preservation Architect, approached the Historic Preservation Commission to speak in opposition of the proposed landmark nomination. He summarized his background to show he is a historic preservation professional.

He stated that he looks at historic preservation as an economic sustainability of properties to encourage reinvestment, a fair and transparent administrative process and the integrity of the land marking process. He felt that lowering the standards for land marking renders the process meaningless. The truth is that very few old buildings can meet a broad interpretation of most land marking criteria. He did not believe that a property should be landmarked simply to prevent demolition.

One thing that has to do with the designation criteria is the concept of plain writing. The City of Urbana is a Certified Local Government, which is a federal program. The Plain Writing Act of 2010 requires all federal governments to plainly write laws and ordinances so the public can understand them. He believed that this should trickle down to local governments.

He was asked to address the issues of whether the property legally meets the Zoning Ordinance's stated criteria for designation of a landmark either by its express language, a plain reading or plain language interpretation and whether the Zoning Ordinance or criteria are overly broad and vague aside from their specific application to the property. Although only two of the criteria were mentioned in the application, he addressed all seven criteria in his written report. At the request of the Commission, he only addressed Criteria A and C during his testimony.

With regards to Criterion A, he concluded that the only element to consider was the "architectural heritage". Most of the features on the proposed building (except the gambrel roof) can be found on other period buildings of this era. In fact, the only feature that shows it is a Dutch Colonial style house is the gambrel roof. Therefore, the property does not meet Criterion A.

Terms such as "significant value" and "heritage" are not defined in the Definitions section of the Historic Preservation Ordinance. Therefore, they have no real objective meaning by which a reasonable interpretation may be applied. Also, there is no spectrum or range under which below which something is not eligible and above which something is eligible for land marking. Therefore, Criterion A is overly broad and vague.

With regards to Criterion C, he concluded that as mentioned in his analysis of Criterion A, the property is an unexceptional example of the Dutch Colonial Revival style because it lacks many of the distinguishing architectural features. His conclusion is that the property does not meet Criterion C.

How is a property “inherently valuable”? Again, he found this criterion to be overly broad and vague.

This sort of language creates a barrier between the public (property owners and investors) and the preservation community. This leaves the Historic Preservation Ordinance to quite a bit of subjectivity on the part of the reviewers at the local, state or federal levels.

He mentioned that the report in the Memorandum in Opposition covered all seven criteria. He interpreted that the property meets none of the criteria for landmark status as written in the language of the Urbana Zoning Ordinance, and he agreed with City staff that the application should be denied.

Chair Novak called for a brief recess at 9:15 p.m. The meeting resumed at 9:20 p.m.

Andrew Fell, local architect, approached the Historic Preservation Commission to speak in opposition of the proposed landmark nomination. He stated that the property is not rentable in its current state. It has deteriorated quite a bit because it is 110 years old. In addition, there are additional code compliance items and neighborhood services that need to be done, and it becomes an unsurmountable task to keep up with. In order to make it rentable, the roof would need to be completely replaced, structural issues would need to be addressed, and code issues that would need to be addressed because of the change in building codes throughout the years.

If the house is not demolished, then the highest and best use would be to turn it into a duplex. As it was currently being used, the six bedroom house could only be rented to four people. In order to turn it into a duplex, they would need to gut the house because it does not meet any of the codes. The total cost to rehab the existing building would be over \$300,000. This cost would escalate substantially if it becomes a historic landmark because they would be required to match materials, which are more expensive, and the cost of labor is also more expensive.

If the house remains a single-family home, it would cost a minimum of \$100,000 to make it livable. It would still have the same structural issues that would need to be addressed. Again, if it were designated as a historic landmark, the cost to rehab the house would increase significantly.

He did not believe that this property can support the kind of investment as a single-family residence or as a duplex. Neither are economical viable options.

He gave a brief summary of his experience with the neighborhood and with historic preservation. He is not adverse to the historic character of the neighborhood or an opponent

of historic preservation. The owner of the property is simply trying to redevelop his property by right under the existing ordinances and codes. They met every single criteria of the MOR District. They asked for no variances and no concessions. Only after his plans were made public did someone nominate 611 West Elm Street as a historic landmark. This means that the Historic Preservation Commission is becoming solely a reactive tool to development. There is nothing proactive about the historic preservation process at all. Any individual in the City of Urbana can stop development in the City of Urbana by using the historic preservation process at their own discretion. It totally undermines the purpose of the Historic Preservation Commission and Ordinance.

There was a similar experience with two other properties in the MOR Zoning District that he had been hired to redevelop. The morning before the MOR Development Review Board meeting, City staff received an application for landmark nomination for each building submitted by the same petitioner as in this case for the same reason – to halt development.

If the building deserves landmark status today, then it deserved it last year and even ten years ago. A few years back, the City came up with a list of Urbana's 100 Most Significant Buildings. The proposed building at most could be 101. The criteria for this list were almost parallel to what a landmark building is. He believed that the properties on this list should be landmarked prior to a property that did not even make the list.

He mentioned that he has two other clients who are considering doing multi-million dollar projects in the City of Urbana, but are holding off to see how this case plays out. If this is the kind of system and process that they would have to go through to do their projects, then they plan to sell off their properties and build elsewhere.

The process is flawed and something should be done to fix it. He does not know what the solution is but allowing the process to happen this way fails the mission of the Historic Preservation Commission.

Mr. Metcalf asked if there were any plans for office space in the plans that Mr. Fell had envisioned for the new development on this site. Mr. Fell said no.

Steve Whitsitt, licensed in the State of Illinois as a Certified General Appraiser and a licensed broker, approached the Historic Preservation Commission to speak in opposition of the proposed landmark nomination. He began by stating his credentials.

He was asked to measure the economic impact that historic landmark designation would have on the property. After careful evaluation and calculation, he determined that the highest and best use would be to redevelop the site.

Ms. Pagliuso asked if the lot itself is valued at \$275,000. Mr. Whitsitt replied that as multi-family parcel within the MOR Zoning District, the lot should command \$40.00 per square foot. This is slightly more than \$275,000; however, one should look at land as a turnkey development parcel. To do this the building would need to be razed, which would cost about \$15,000.

Mr. Metcalf asked if the value of lots were increasing in this area as a result of new development on campus. Mr. Whitsitt stated that campus land prices have increased. There has not been much new development in the City of Urbana to gauge it from a multi-family perspective. Most of the new development on campus has been in the City of Champaign.

Mr. Whitsitt went on to say that the City of Urbana has a few challenges for investors. One is the historic landmark designation. An investor does not want to deal with the hurdles associated with not being able to remodel the property to the requirements of the designation. They do not want to have their bundle of rights limited. They do not want to have the ability to do what they want including demolishing the building limited. Other challenge included a higher tax base and a rental registration program.

Multi-family values in general have certainly increased. Single-family home values have also increased.

Mr. Metcalf asked Mr. Whitsitt to explain what “maximally productive” means in terms of appraisal. Mr. Whitsitt replied that it is appraisal jargon which essentially means what gives you the highest return on the property.

Ms. Pagliuso stated that the proposed replacement of the existing building would be a five-unit apartment building. There are hundreds of apartment units being built in Champaign and Urbana. Would these five units increase the economic stability of the City of Urbana? She heard that the supply of units is outweighing the demand. Mr. Whitsitt responded that it is a scary marketplace. To attract students, landlords need to keep reducing their rent to get full occupancy. Across the board, campus landlords are nervous and are worried about achieving a return commensurate with costs. Five units are a pretty low density. He did not know if it would fully recapture the cost of redevelopment.

He mentioned that he has seen other developments that Mr. Hunsinger had built, and they look like houses. He was surprised that individuals would rather look at a blighted building rather than a development that is aesthetically pleasing.

Mr. Metcalf asked Mr. Whitsitt how long some of the problems of the existing building have been in decay. Mr. Whitsitt answered that the exterior needs scraped and repainted, much of the trim is rotted and needs to be replaced, window sills are rotted, holes in the ceiling on the second floor indicates roof damage, the HVAC system does not work, and the floor needs to be replaced in some areas. He did not view this property as leasable or livable. Rotting materials occur over a period of time. He is not sure how long the roof has needed to be repaired.

#### CROSS EXAMINATION OF OPPONENTS BY THE PROPONENTS

Dr. Adams and Dr. Appel indicated that they had no questions.

## OTHER OPPONENTS TESTIMONIES

Chair Novak asked if anyone else in the audience would like to speak in opposition. There was none.

## OPPONENTS OR OPPONENTS SUMMARY

Mr. Thies re-approached the Historic Preservation. He stated that there was a chance that if the demolition and redevelopment did not take place as originally planned and approved that the property would remain vacant or become a slum. No one who had spoken in opposition was opposed to protecting the past or preserving history. It was the burden of the applicant/proponent to show that the subject property met the criteria of the Ordinance.

It was not a question of whether one development was better than another development but rather a question of whether the property would ever be used again. Mr. Hunsinger is the type of landlord that we want in the City of Urbana. He is not the type of landlord that would just tear a building down. This property is not economically viable to restore. Therefore, they respectively ask the Historic Preservation Commission to recommend denial to the City Council.

## PROPOSERS SUMMARY

There were no concluding comments from the applicant.

## HISTORIC PRESERVATION COMMISSION DISCUSSION

With no further audience participation, Chair Novak opened up discussion for Historic Preservation Commission members. She mentioned that the aforementioned email from Eric Jakobsson was handed out during the meeting.

Mr. Dossett wondered if the Historic Preservation Ordinance was reviewed and approved by the National Park Service. Chair Novak explained that because the City of Urbana applied to be a Certified Local Government (CLG), the Illinois Historic Preservation Agency (IHPA) had to review our Ordinance to be sure that it had certain qualities that they expect CLGs to have. Indirectly we might assume that since IHPA often times represents the National Park Service in 20% Tax Credit and other activities, that it would be filtered down to the local level. So, as part of a CLG, we did have our Historic Preservation Ordinance reviewed.

Ms. Smith requested that the Commission members receive the information sooner. They just received the 200 plus-page "Memorandum in Opposition" document earlier that afternoon before the meeting, and she did not have time to read through it all. In addition, there were numerous emails that were received from proponents and opponents. It would be nice if there was a time period to receive these types of communications so that the Commission members would have time to read them and take them into consideration. Ms. Pearson stated that they are unable to give a deadline, because as a public hearing,

everything you hear through the time the public hearing is closed is for the Commission's consideration.

Ms. Novak asked Mr. Thies if the testimony they heard from Kevin Hunsinger, Andrew Fell, Gary Cole and Steve Whitsitt accurately covered what was in the written reports included in the "Memorandum in Opposition". Mr. Thies replied that the testimonies highlighted the main points of the written reports; however, there was other information that was made available in the written reports such as statistics, photos, etc.

Chair Novak stated that if any of the Commission members felt they needed more time to review the document, then the Commission had the option to continue the hearing to another meeting. Mr. Metcalf added that it is a hefty document with a lot of good information, so he would value the additional time to review it.

Mr. Dossett felt that most of the 244-page document does not mean anything in the context of whether the Commission renders a decision about the denial or the acceptance of the application for historic preservation status. While he accepted the plain language argument that was made, it has no bearing on their decision. The Commission either operates under the Ordinance that they currently have or they should fold up and go home. While he appreciated the detailed legal and financial analyses, he assumed the reason for the 244-page document being entered into evidence was so the City Council would be able to use it when they consider the case. The Historic Preservation Commission cannot consider any of it. He argued that the Historic Preservation Ordinance does not factor beyond the Secretary of Interior standards. The balancing of takings versus preservation benefits is not specifically allowed. So, the question becomes for him whether the Commission members have the ability to toss aside the 244-page document and discuss whether or not the subject house meets Criterion A or Criterion C.

He stated that he was in agreement with City staff. There have been significant modifications that had been made to the structure. They are not talking about a historic district nomination but rather a single landmark nomination. Though he appreciated all the concerns voiced about the West Elm neighborhood, those concerns should not impinge on the decision that the Commission makes about the application.

Mr. Metcalf disagreed in that he felt the Commission needed to consider the broader picture of the neighborhood to some degree. Otherwise, they would have pristine, perfect little examples of architecture without telling the local history story. The Historic Preservation Plan states that the job of the Commission is "to promote economic development by encouraging investment in historic resources and preserving the character neighborhoods". Therefore, he would like to continue the case.

Chair Novak stated that she agreed it would be best to continue the case. Mr. Garcia commented that they could either continue the meeting to the next regular Historic Preservation Commission meeting on February 3<sup>rd</sup> or they could hold a special meeting on January 20<sup>th</sup>. Ms. Pearson asked that before they continue the meeting to a specific date that

they check the dates with both the petitioner and the opponents. The dates were acceptable by both parties.

Mr. Metcalf moved that the Historic Preservation Commission continue the case to January 20, 2016. Ms. Pagliuso seconded the motion. The motion was approved by a voice vote. Chair Novak noted that Mr. Dossett was opposed to the continuance. The meeting was then continued to January 20, 2016.

## **7. OLD BUSINESS**

There was none.

## **8. NEW PUBLIC HEARINGS**

There were none.

## **9. NEW BUSINESS**

There was none.

## **10. MONITORING OF HISTORIC PROPERTIES**

### **Urbana Free Library**

Ms. Pearson mentioned that a Commissioner inquired about proposed work at the Urbana Free Library. She contacted Katherine Wicks, Associate Director, who indicated that the Library's Foundation held their annual campaign in December to get funding for library projects that might not take place otherwise, such as updates or renovations to the HVAC system, the Race Street front porch and windows in the 1918 part of the building and other projects that have been in the Library's 5-Year Financial Plan since 2006. At this time, the Library is only in the early stages of discussing the projects.

### **MTD Bus Shelter at Buena Vista Court**

Mr. Garcia stated that the Champaign-Urbana Mass Transit District (MTD) would be relocating the bus stop because the access area is narrow and unsafe for people in wheelchairs. Residents in Buena Vista Court are concerned about the bus stop taking away from their view. There will not be a shelter constructed. Ms. Pagliuso stated that she saw a new "Bus Stop" sign in the new location, so MTD must have already relocated the bus stop. Discussion ensued. Ms. Pearson pointed out that the new bus stop is separated from Buena Vista Court by an old right-of-way and a portion of City property.

### **702 East California – Blighted Property**

Ms. Pagliuso mentioned that this property had been purchased by a local realtor who intends to flip it. She walked through the house, and it definitely needs a lot of work. She also pointed out that

702, 704 and 711 East California were once all owned by the same family. Chair Novak noted that there is a survey form submitted by a student in her class for this property. She asked Mr. Garcia to provide a copy of the survey to the new owner.

### **Mumford House**

Mr. Metcalf asked for this to be added to the agenda to discuss at the next meeting.

### **Regular Meeting on February 3<sup>rd</sup>**

Ms. Novak inquired about whether the Commission would have a regular meeting on February 3<sup>rd</sup> since they are having a special meeting on January 20<sup>th</sup>. Ms. Pearson said that they could hold a meeting if there are items for the agenda.

### **11. STAFF REPORT**

There was none.

### **12. STUDY SESSION**

There was none.

### **13. ANNOUNCEMENTS**

Mr. Dossett stated that the City had selected a contractor to develop 200 South Vine Street. The Historic East Urbana Neighborhood Association (HEUNA) will be hosting a meeting to discuss interfacing a future building to the residences on the east side of Urbana Avenue. The meeting will be held in the Lewis Auditorium in the Urbana Free Library at 7:15 p.m. on January 14, 2016.

Mr. Metcalf mentioned that the deadline for submitting a property to the list of most endangered properties to Landmark Illinois is Monday, January 11, 2016.

### **14. ADJOURNMENT**

Mr. Dossett moved that the meeting be adjourned. Ms. Smith seconded the motion. With all Commission members in favor, the meeting adjourned at 10:17 p.m.

Submitted,

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Lorrie Pearson, Planning Manager  
Historic Preservation Commission Recording Secretary