

MINUTES OF A REGULAR MEETING

URBANA HISTORIC PRESERVATION COMMISSION

APPROVED

DATE: March 7, 2007

TIME: 7:00 p.m.

PLACE: City Council Chamber, 400 South Vine Street, Urbana, Illinois

MEMBERS PRESENT: Rich Cahill, Katherine Lipes, Alice Novak, Mary Stuart

MEMBERS EXCUSED: Scott Dossett, Trent Shepard, Art Zangerl

MEMBERS ABSENT:

STAFF PRESENT: Robert Myers, Planning Division Manager; Anna Hochhalter, Public Arts Coordinator; Tony Weck, Recording Secretary

OTHERS PRESENT: G. D. Brighton, Tyler Fitch, Dennis Roberts, Chris Stohr

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

The meeting was called to order at 7:03 p.m. by Historic Preservation Commission Chair, Alice Novak.

2. CHANGES TO THE AGENDA

The issue of the High School Art Contest and choosing judges was discussed first. Discussion of Plan Case #2023-T-06 was discussed next, followed by the Historic Windows Workshop Grant Notification.

3. APPROVAL OF HISTORIC PRESERVATION COMMISSION MINUTES

Mr. Cahill made a motion to approve the February 7, 2007 meeting minutes as presented. Ms. Stuart seconded the motion. Upon a vote the Commission unanimously approved the minutes as presented.

4. WRITTEN COMMUNICATIONS

There were none.

5. AUDIENCE PARTICIPATION

There was none at this point in the meeting.

6. CONTINUED PUBLIC HEARINGS

There were none.

7. OLD BUSINESS

There was none.

8. NEW PUBLIC HEARINGS

There were none.

9. NEW BUSINESS

High School Art Contest judges.

Anna Hochhalter briefly updated the Commission on the planning process of the High School Art Contest. Ms. Hochhalter asked the Commissioners for recommendations for judges for the contest. Commission members suggested a few individuals and Ms. Hochhalter stated that she would contact these people to see if they would be interested in participating.

Plan Case #2023-T-06: Proposed text amendment to the Urbana Zoning Ordinance, Article XII, Historic Preservation Ordinance, to establish the procedures for and designation of Neighborhood Conservation Districts:

Robert Myers presented the staff report on this subject. After the presentation of the staff report, Ms. Novak invited audience members to participate in the meeting.

Tyler Fitch, of 503 East California Avenue, and Chris Stohr, President of the Historic East Urbana Neighborhood Association (HEUNA), of 405 East High Street, addressed the Commission. Mr. Fitch, who is a HEUNA Board member, stated that NCDs are recommended in the HEUNA neighborhood plan and that the group supports the concept. Mr. Stohr stated that there were a lot of things he liked about the proposed text amendment however there were some issues which he would like to address. First, with regard to property owners, HEUNA is trying to preserve the residential character of its neighborhoods and he wondered if by the proposed text amendment asking for the support of property owners should actually be changed to mean only resident property owners. It is often difficult to find the actual owner of a property, particularly with rental properties, to sign a petition as required in the proposed ordinance. On the issue of 60% of the property owner support to enact a NCD, he felt that this number was too high. He said that 60% participation is not even seen in general elections, and he would like to see this percentage reconsidered. Additionally, he stated in regards to the preliminary determination of NCD feasibility, he hoped the Historic

Preservation Commission would consider this carefully. Finally, Mr. Stohr noted that in the proposed text amendment, only 25% of the people of a given neighborhood would have to oppose an NCD to file an official protest versus 40% opposition for a Historic Preservation District. It was his hope that the text amendment would not make it easier to establish a historic district than it would to establish an NCD.

Mr. Fitch stated that when HEUNA has talked to residents about this issue, people seem to be confused about the difference between a historic district and a NCD. At a recent meeting of the Urbana Plan Commission there was a “passionate opposition” expressed by a resident who feared that her property rights would be taken away under a historic preservation district and/or NCD. As a neighborhood organization, HEUNA is sensitive to the property rights issue. The main problem according to HEUNA is replacement of single-family homes with apartment buildings. HEUNA is discussing some possible zoning remedies for this issue and said that such zoning remedies may help the neighborhood more than an NCD. With regards to the 60% support issue, he noted the sheer difficulty of getting that many signatures on a petition and suggested that a referendum process might be a better method of proving support. Lastly, he expressed the importance of educating people on the differences between an NCD and a historic preservation district.

Concerning replacement of homes with apartment buildings, Mr. Stohr added that there have been a number of such incidents wherein the apartment buildings are architecturally incompatible, that they discourage neighbors from keeping up their homes, depress property values, and otherwise work against the ideal of living in a “real neighborhood”. He stated that this was one of the main reasons that HEUNA was organized in the first place and a main reason that the group is interested in the concept of an NCD and the protections afforded therewith for owner-occupied homes.

Mr. Myers asked Mr. Fitch and Mr. Stohr if they had any specific suggested changes to the 60% support requirement. Mr. Fitch restated his earlier suggestion that some sort of referendum process be enacted to gauge support. He also suggested that property owners in an affected area be notified of an NCD application and given a certain amount of time to comment. Both suggestions, he stated, would relieve the applicant for NCD status of going from door to door and getting a sufficient number of signatures on a petition. Mr. Stohr added that the cost of doing a mass mailing to individuals in an affected area would be cost-prohibitive to a group such as HEUNA and Mr. Fitch agreed that there would be some costs involved that the City would need to help cover.

Ms. Novak then asked for any discussion from Commissioners. Mr. Cahill stated that the Commission should request that NCD applications initiated by the City Council should not be allowed. He said that he would rather see applications come from citizens rather than the Council. Ms. Novak agreed with Mr. Cahill, saying that her understanding of how NCDs work is that they are initiated by citizens of the area. Mr. Cahill was also concerned with property owners who own a several parcels being able to vote several times. Ms. Novak answered that this issue cannot be addressed due to the fact that due process must be provided for. She noted that when Urbana’s Historic Preservation Ordinance was being drafted, property owners were allowed one vote per parcel and in cases where one individual owned several parcels, that individual dominated voting in a given area. Therefore, she stated that a referendum to gauge support would not work as an alternative to the 60% support stipulation. Additionally, she felt that a 60% level of support for an NCD was unreasonable and impractical and that the City would have to bear at least some of the

responsibility for sending out notifications to citizens in any area affected by an NCD application. Mr. Myers responded that for other zoning actions, the City mails notices to all the property owners using ownership information provided by Champaign County tax records. The City would handle public notification for any NCD application.

Ms. Stuart suggested that instead of 60% support of an NCD application from all property owners that 60% of responses from a notification of application received by the City be in favor of the NCD. Mr. Myers didn't rule this out but cautioned that a situation could arise where only 20% of owners responded to the notification, which would not necessarily qualify as support from the majority of a given neighborhood. He stated that the 60% figure as listed in the proposed text amendment was designed to ensure sufficient support from the neighborhood of an application for NCD. In closing, Ms. Novak warned that, although she agreed with what the audience members, City staff and her fellow Commissioners were suggesting, it is very difficult to get people to participate in such a process.

As for the part of the proposed text amendment that stipulates 25% opposition to an NCD application must be met for an official protest, Ms. Novak asked for Commissioner comments on this matter next. Ms. Stuart stated that the percentage of opposition for an official protest should be higher because the "stakes are lower" than for a Historic Preservation District and suggested 40% opposition be required.

Mr. Cahill was concerned with how the Commission would deal with applications for NCDs in which the area is historically significant. Mr. Myers answered that if a given area does not qualify for historic district status, that the application for NCD be allowed to go forward without delay. The proposed ordinance currently states that if the Commission finds the area might qualify as a local historic district then the application could be tabled until the following commission meeting to give time to gather more information. If the Historic Preservation Commission found that it clearly qualifies as a local historic district, the application would be ineligible as a NCD.

Ms. Novak expressed concern over the wording in the second paragraph of the second page of the staff memorandum where it stated that the proposed NCD ordinance would allow non-historic residential areas. She stated that she did not want to see a blanket statement that anything within an NCD is not historic, as a given structure could be very historic but changes have been made to that structure that would disqualify it from being part of an historic district. Mr. Myers agreed, saying that the wording Ms. Novak mentioned was intended only as a short-hand summary of the ordinance.

Ms. Stuart raised a concern that a proposed district could be applied for historic district status and then denied. An otherwise eligible NCD district could then be in limbo, qualifying for neither. Mr. Myers answered that such a situation is possible but not very likely. Ms. Novak added that if a petition for Historic Preservation District status is rejected, it should be made clear why it was rejected. The reason she gave for this was so that the petitioner could not come back with an application for NCD status, using that as a "back door" to the protections afforded as a historic district. On the matter of public confusion between historic districts and NCDs, Ms. Novak suggested the creation of a flow chart or a similar visual aid. Mr. Myers stated that the Plan Commission has asked staff to bring to the next meeting a model example of an NCD project.

Mr. Cahill stated that this confusion on the difference between NCDs and historic preservation districts proves that a better job needs to be done on educating the public. He also suggested that the positive aspects of NCDs and historic preservation districts be highlighted as this might dispel some of the misconceptions about them.

10. MONITORING OF HISTORIC PROPERTIES

There was nothing to report.

11. STAFF REPORT

Mr. Myers stated that the City of Urbana was the recipient of a Certified Local Government grant from the State of Illinois to host a how-to workshop on repairing historic wood windows. Urbana is one of only seven communities in the state to receive such a grant. The grant amount is \$3,150.

12. STUDY SESSION

There was none.

13. ANNOUNCEMENTS

Mr. Cahill announced that the Preservation and Conservation Association Annual Meeting will take place on the afternoon of April 15th.

14. ADJOURNMENT

Ms. Lipes moved to adjourn the meeting. Ms. Novak seconded the motion. The meeting adjourned at 8:30 p.m.

Submitted,

Robert Myers, Planning Division Manager