

**MINUTES OF A REGULAR MEETING**

**URBANA HISTORIC PRESERVATION COMMISSION**

**APPROVED**

**DATE:** April 4, 2007

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

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

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**MEMBERS PRESENT:** Rich Cahill, Scott Dossett, Katherine Lipes, Alice Novak, Trent Shepard, Mary Stuart, Art Zangerl

**MEMBERS EXCUSED:** none

**MEMBERS ABSENT:** none

**STAFF PRESENT:** Elizabeth Tyler, Community Development Director/City Planner; Robert Myers, Planning Division Manager; Rebecca Bird, Planning Division Intern; Teri Andel, Recording Secretary

**OTHERS PRESENT:** Zachary Kennedy, Sara Egan, Angela Fike, Charlotte O'Donnell, Carolyn Baxley, Mary Wood, Kevin Miller, Andrew Fell, Nancy Cox, Steve Freiburg, Linda Lorenz, Roger Epperson, Susan Taylor, Bernadine Stake, Dale Glenwood Green, Tim Scovic, Matt Dixon, Brian Adams, G. D. Brighton, Patience Anders, Steve Cox, Allan Bernhart, Stephen Moll, Alice Berkson, Katherine Freeman, Audrey Bauer, Rebecca Allgeyer, Jennifer Feucht, Jackie Wolke, Laura Haber, Todd Rusk, Emily Smith, Chris Enck, Joel Van Essen, Danielle Wagner, Aileen McEldowney, David Medellin, Meghan Condon, Latonya Webb, Milorad Ketchens, Sheila Ketchens, Lois Steinberg, Georgia Morgan, Ellen Jacobsen

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

The meeting was called to order at 7:04 p.m. by Historic Preservation Commission Chair, Alice Novak. Roll was taken and with all members present, a quorum was declared.

**2. CHANGES TO THE AGENDA**

Ms. Novak suggested that both properties under "New Business" be heard concurrently due to the fact that the properties named therein are adjacent to one another, and because the petitioners in both cases are the same. The members of the Commission agreed.

### **3. APPROVAL OF HISTORIC PRESERVATION COMMISSION MINUTES**

Ms. Lipes made a motion to approve the March 7, 2007 meeting minutes as presented. Mr. Zangerl seconded the motion. Upon a vote the Commission unanimously approved the minutes as presented.

### **4. WRITTEN COMMUNICATIONS**

Communications from and to the following individuals were presented:

- A letter from Marya Ryan to Scott Dossett
- A letter from Marya Ryan to Katherine Lipes
- An e-mail from Patience Anders to Robert Myers
- An e-mail from Amy Ando to Alice Novak
- An e-mail from Carolyn Baxley to Robert Myers and Elizabeth Tyler
- An e-mail from Chris Berti to Robert Myers, Alice Novak and Linda Lorenz
- An e-mail from Jane Billman to Alice Novak
- An e-mail from Deborah Katz-Downey and Stephen R. Downie to Alice Novak
- An e-mail from Deborah Katz-Downey and Stephen R. Downie to Alice Novak and Robert Myers
- An e-mail from Beverly Fagan to Alice Novak
- An e-mail from Katie Fields to Alice Novak and Robert Myers
- An e-mail from Marcel Franciscono to Alice Novak
- An e-mail from Sarah Nixon Gasyna to Alice Novak
- An e-mail from Robert B. Gennis to Robert Myers
- An e-mail from Robert B. Gennis to Alice Novak
- An e-mail from Jennifer V. Ghaboussi to Robert Myers
- An e-mail from Mary Hallett to Robert Myers
- An e-mail from Linda Lorenz to Alice Novak and Robert Myers
- An e-mail from Jay and Terri Mittenthal to Alice Novak and Robert Myers
- An e-mail from Katherine Nash to Alice Novak and Robert Myers
- An e-mail from Alice Novak to Robert Myers
- An e-mail from Marya Ryan to Alice Novak, Art Zangerl, and Rich Cahill
- An e-mail from Muriel Scheinman to Alice Novak
- An e-mail from Madeleine Super to Alice Novak
- An e-mail from Long Wan Tan to Alice Novak and Robert Myers
- An e-mail from the WUNA-list mailing list
- An Entry of Appearance, Registered Preference, from Erwin Goldfarb regarding 502 W. Elm St., objecting to designation of the same as a local landmark
- An Entry of Appearance, Registered Preference, from Erwin Goldfarb regarding 504 W. Elm St., objecting to designation of the same as a local landmark

## 5. AUDIENCE PARTICIPATION

Alice Novak opened the meeting to audience participation. She noted that at tonight's meeting the applications for local landmark designation were under Commission review for a preliminary determination as to whether or not the properties meet the qualifying criteria for designation. She noted that if anyone had comments about whether or not these properties should be designated as local landmarks, this point in the agenda would be the appropriate place to do so. Under "New Business" on the agenda, the Commission would be taking comments specifically in terms of the designating criteria. Ms. Novak asked row by row, from front to back, if anyone in the audience wished to address the Commission.

Carolyn Baxley, of 510 West Main Street, spoke in support of the proposed two landmark nominations. She was particularly interested in the Gus Freeman house since he operated the Princess Theatre which she now owns. She stated that these two properties (502 and 504 West Elm Street) are what the Mixed Office-Residential (MOR) zoning district was designed to protect and to encourage adaptive reuse.

Bernadine Stake felt that the two properties are beautiful and should be preserved.

Chris Stohr, President of HEUNA, spoke in regards to the proposed neighborhood conservation district text amendment. He said that he had a conflict with the proposed text amendment with regards to the number of property owners needed to submit a petition. Twenty-five percent would be a high standard to meet to get a proposed NCD started, he said. He also cited that contacting out-of-town property owners would be difficult. Additionally, he felt that 10% opposition would be too low and hoped that the City would settle on a number in between.

Laura Haber, of 206 South McCullough Street, spoke in support of preserving the properties proposed for landmark nomination.

Dennis Roberts, of 507 East Green Street and City Council Alderman for Ward 5, stated his interest in the process of historic preservation. He encouraged all to come forward to nominate historic landmarks and districts. He also encouraged City staff to devise more incentives for people who want to nominate historic landmarks and districts.

Milorad Ketchens spoke in favor of historic preservation. He felt that the two proposed landmarks add a lot to Urbana. Other communities, he cited, do not have historic buildings and once historic buildings are lost, they are gone forever. He restated his feeling that these properties need to be preserved.

Mildred O'Brien stated that she once knew someone who lived at 504 West Elm Street. She said that when visiting that resident, she was struck by how beautiful the woodwork and the fireplaces were. She stated her fear that this area of Elm Street, Main Street and Green Street will become nothing but multi-family housing.

Lois Steinberg, 306 West Nevada Street, owns a piece of property around the corner from the properties named in the landmark application. She stated that it is obvious that these two properties should be historic landmarks. She furthered that if we keep allowing multi-family dwellings into the neighborhood, it will be difficult to get people to buy the single-family homes there when they come up for sale.

## **6. CONTINUED PUBLIC HEARINGS**

There were none.

## **7. OLD BUSINESS**

There was none.

## **8. NEW PUBLIC HEARINGS**

There were none.

## **9. NEW BUSINESS**

- **Case #HP 2007-L-01 – Preliminary Determination for a historic landmark application submitted by Brian Adams and Ilona Matkovszki for 502 West Elm Street.**
- **Case #HP 2007-L-02 – Preliminary Determination for a historic landmark application submitted by Brian Adams and Ilona Matkovszki for 504 West Elm Street.**

Robert Myers, Planning Division Manager, introduced Planning Intern Rebecca Bird to the Commission and audience. He mentioned that she assisted in preparing the staff reports for the two historic landmark nominations before the Commission at this meeting. He noted that the handouts regarding the Registered Preference and Objection to Designation for 502 and 504 West Elm Street force a majority vote by the Urbana City Council when and if the proposed nominations go before them.

Mr. Myers presented the staff report for case number HP 2007-L-01 to the Commission. He introduced the case and spoke briefly on the process of nominating a historic landmark. He noted that if the Commission determines that the proposed property is eligible for historic designation, a public hearing would be held by the Commission. He then presented the known history of the property. He reviewed the criteria under Section XII-5 of the Urbana Zoning Ordinance, noting that at least one of these criteria must be met in order for a property to be eligible for historic designation. He then presented the Commission's options in acting on this preliminary determination and stated City staff's recommendation. They were as follows:

a.) find that the nomination does not meet the criteria for designation as a local landmark, in which case the application shall not be further considered, or;

b.) find that the nomination does meet the criteria for designation as a local landmark, in which case the application will proceed to a public hearing.

Staff recommended that based on the application and analysis set forth in the findings of the staff report, the Commission find that the landmark nomination for 502 West Elm Street qualifies for designation as a local historic landmark based on criteria a, b, c, and e of Section XII-5.C, of the Urbana Zoning Ordinance.

In regards to case number HP 2007-L-01, Mr. Dossett stated that criteria d, (*Notable work of a master builder, designer, architect or artist whose individual genius has influenced an area*) interested him. He questioned why information on the builder, designer and architect was unavailable for this property. He asked if was due to a lack of resources. Mr. Myers responded that it is rare to be able to find the name of the builder, designer and architect on homes of this age because of the lack of good record keeping. Ms. Novak concurred that architects generally did not keep good records and agreed that it is difficult to find this information on older properties.

Mr. Myers then presented the staff report for case number HP 2007-L-02 to the Commission. He reviewed the criteria from Section XII-5.C, of the Urbana Zoning Ordinance and how it related to the proposed landmark. He presented the Commission's options in acting on this preliminary determination and stated City staff's recommendation. They were as follows:

a.) find that the nomination does not meet the criteria for designation as a local landmark, in which case the application shall not be further considered, or;

b.) find that the nomination does meet the criteria for designation as a local landmark, in which case the application will proceed to a public hearing.

Staff recommended that based on the application and analysis set forth in the findings of the staff report, the Commission find that the landmark nomination for 504 West Elm Street qualifies for designation as a local landmark based on criteria a, b, c, d, and e of Section XII-5.C, of the Urbana Zoning Ordinance.

Alice Novak asked if the applicants wished to make any statements. Brian Adams, of 412 West Elm Street and one of the petitioners, stated that one of the reasons he enjoys living in the area he does is because of the two unique properties that are the subjects of the nominations before the Commission. He said that he and Ms. Ilona Matkovszki, the other petitioner, tried to gather as much information regarding the two houses as they could and after much research, they were able to reconstruct their history. This history had been lost, he said, because there are no living ties to either of the properties left in the community. As such, they felt obligated to find out the history of both of them. He stated that this is also why he feels that it is important that these two properties be designated as local landmarks. He and Ms. Matkovszki discovered that Elm Street was at one time a very prominent part of the community because it is was where the "movers and shakers" lived. It was also found, as reported by Mr. Adams, that many of the other homes of this size and character in the area have been demolished and replaced with multi-family housing. In closing, he urged the Commission to support this nomination.

Iлона Matkovszki added that her reason for submitting landmark nominations for these properties was to save them from being demolished. She noted that Elm Street was a very prominent area in the City of Urbana and that there were at least two state senators, five physicians, a steam mill owner and many lawyers who resided in the area at one time. Gus Freeman and his wife hired a well-known architect, Joseph Royer, to build their home at 504 West Elm Street, she reported. Further, she stated that both properties are still “magnificent” because they still “take people’s breath away” when they are seen. She noted that she and Mr. Adams have done a great deal of research with regards to the architect of the “Sutton House” (502 West Elm Street) and have not yet been able to find that information. In closing, she urged the Commission to accept the nominations before them.

Commissioner Stuart noted that the house to the south of the proposed landmark properties was destroyed and that an apartment building had replaced it. Ms. Matkovszki responded that George Busey and his wife, who was a sister to Gus Freeman’s wife, lived at that location. She said that it was a “magnificent” house to look at and gave a brief history of it. She reported that the house was last owned by the Baha’i Temple and was sold by that organization, whereupon it was demolished and replaced by the Campus Oaks Apartments structure in the early 1990s. Ms. Tyler stated her belief that the Campus Oaks Apartments structure was built circa 1985 and that it prompted the restriction on other large apartment buildings in the area. She pointed out that one of the outcomes of the Downtown to Campus Plan is the MOR zoning district and that one of the purposes of this is to limit the size and massing of large apartment complexes.

Alice Novak asked if the property owners wished to make any statements. Mark Miller, attorney for Erwin Goldfarb, who owns the two nominated properties, summarized that the purpose of this meeting was to consider whether these properties qualify for historic designation. He pointed out that there were defects in the petition and then submitted a statement entitled “Defects on Face of Petition.” In Section 7.4.H, he noted that the actual owner of the proposed landmarks is Erwin Goldfarb, not Campus Property Management, as is listed on the application. Mr. Miller stated that he and his client are open to discussion and suggestions for the proposed landmarks but noted that it is public knowledge that Mr. Goldfarb has submitted site development plans for both sites to the Building Safety Division of the City of Urbana’s Community Development Services Department. He said that Mr. Goldfarb has struggled for 26 years to keep the properties alive but that there is a limit to what can be done. Based on safety concerns and compliance with building codes, Mr. Miller said that Mr. Goldfarb has been forced into redeveloping the two properties.

Andrew Fell, the architect for the proposed redevelopment of these properties, has lived in the same neighborhood as the proposed historic landmarks and stated that he was very sensitive to the impact of what happens to the proposed landmarks and to their impact on the people of the neighborhood. He noted that there is a great deal of patchwork in trying to keep properties such as these up to code and that the criteria for transforming them into apartments is vastly different now than it would have been in the 1930s, for example. He also noted the physical nature of the existing structures themselves: cracking basements, bowed and leaking roofs; to rehabilitate the two houses would be economically foolish. He said that he is open to every feasible option to save these two houses and noted that the design of the proposed redevelopment structures are consistent with the historic nature of the neighborhood with regards to scale and context.

Commissioner Stuart sought to verify that the first reason for the formal objection on the part of Mr. Goldfarb was that the petitioner failed to meet the criteria of the Zoning Ordinance. Mr. Miller responded that the burden of proof of failure to meet the criteria falls on the petitioner, not on the property owner and that none of the criteria in either landmark petition were met.

With no further comment from members of the Commission or the audience, Ms. Novak opened the preliminary consideration discussion by the Commissioners. Mr. Zangerl felt that the Commission should treat each nomination separately from this point forward. Regarding case number HP 2007-L-01, he moved that the Commission find that 502 West Elm Street meets criteria a, b, c, and e and should be forwarded to a public hearing. The motion was seconded by Mr. Dossett. Ms. Lipes noted that at this point, the Commission was only determining whether or not the properties were eligible for nomination and was not debating their structural soundness. She found that 502 West Elm Street is worthy of a public hearing. Mr. Dossett agreed. Roll call was taken and the motion carried by a unanimous vote from the Commission.

With regards to case number HP 2007-L-02, Mr. Dossett moved that the Commission find that 504 West Elm Street meets criteria a, b, c, d, and e and should be forwarded to public hearing. Ms. Stuart seconded the motion. Mr. Cahill commented that of 502 and 504 West Elm Street, 504 is unique and deserves recognition. Ms. Novak agreed and thanked the applicants for all their research on these two properties. Roll call was taken and the motion made by Mr. Dossett and seconded by Ms. Stuart carried by unanimous vote from the Commission. Ms. Novak noted that these two cases would be presented during a public hearing by the Historic Preservation Commission on May 4, 2007.

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

With regards to the Mumford House, Ms. Novak noted that the University of Illinois has hired a company to perform a structural assessment for move, HABS III recording. She is concerned that the University may be avoiding state law in terms of treatment of historic properties. Ms. Stuart stated that inquiries had been made as to whether the University was following the law in its treatment of the Mumford House and wondered if any response from those inquiries had been received. Mr. Cahill noted that the Mumford House was one of the oldest farmhouses in the area and said that it is amazing that it has survived. He also noted that the reason the University wants to move the Mumford house is because it currently occupies the space where they wish to locate their clock tower.

Mr. Myers noted that he had received an inquiry as to whether or not there was a violation of the Historic Preservation Ordinance at 7 Buena Vista Court. He had followed up on the inquiry but no violation had taken place.

## **11. STAFF REPORT**

- **High School Art Contest Update**

Mr. Myers reported to the Commission on the High School Art Contest. He noted that Mr. Zangerl had given a presentation to two art classes. He mentioned that the school is combining a Social

Studies project with the art project. Three classes plan to participate and each student in each class will participate. On the subject of judges, Ms. Bird stated that Beth Darling, Sam Singer and Bill Rose will serve as judges. Mr. Zangerl asked if the student artists would get their artwork back after the contest. Mr. Myers answered that he would have to verify this. Ms. Tyler noted that funding for the contest will come from charities and from City funds.

- **Neighborhood Conservation District Zoning Ordinance Text Amendment**

Mr. Myers reported that the recommendations of the Historic Preservation Commission had been communicated to the Plan Commission. The question was raised whether the Historic Preservation Commission should be involved in NCD applications and if so, to what extent. One Plan Commissioner had suggested not having the Historic Preservation Commission review NCD applications. The remainder of the Plan Commission felt that the Historic Preservation Commission should determine if an NCD qualified as a historic district but should not be able to prevent an NCD from proceeding if it does qualify as such.

Mr. Cahill stated that the first step would be in changing the proposed 10% objection requirement to 25%. Mr. Myers responded that the Plan Commission also felt that this proposed requirement should be increased. Ms. Novak noted that on page 15 of the proposed text amendment, item F still reads, "10%". Mr. Myers responded that HEUNA had pointed out this error and it has now been corrected. Ms. Stuart stated that the Historic Preservation Commission did not receive a copy of the revised document, to which Mr. Myers responded that staff needed to make some changes, after which the revised document will be sent to the Commission. Ms. Stuart asked for a summary of the proposed changes. Ms. Novak answered that the main change is that the Historic Preservation Commission will only serve as an advisory body and that the aforementioned 10% threshold will be changed to 25%. Sixty percent support will still be required to submit a petition, she said; the change makes an adjustment to require more approval to submit an NCD petition.

Mr. Myers noted that it would be difficult to contact out-of-town property owners but that these owners could be contacted by mail. Mr. Zangerl suggested testing the 25% support or protest threshold and wondered where this specific number came from, since this is what the Historic Preservation Commission requires for an application. Ms. Novak responded that only 25% is needed to protest an application as well, to which Mr. Zangerl asked what is the point of requiring 60% support. Ms. Tyler answered that the purpose is to set the bar higher for an NCD because it is a program that would affect everyone. She noted that it is ironic because it is less restrictive but harder to accomplish and it also does not really match the historic process.

Mr. Myers explained that the Plan Commission had changed the order of the process so that property owner approval would take place after any design guidelines are written. In response to a question from Mr. Zangerl regarding the Historic Preservation Commission's role, he also stated that the Historic Preservation Commission would determine whether an NCD application was eligible for historic district status. He noted that an NCD would not automatically convert to a historic district due to concern that an area that does not qualify for historic district status not being able to follow through with an NCD. He also noted that the Historic Preservation Commission would need different information for a historic district nomination than that available on an NCD application.



Ms. Stuart was concerned that many petitioners for historic districts would not be willing to do the required research. Ms. Novak wondered if some areas could have both NCD and historic district designations. Mr. Myers answered yes, to which Ms. Novak queried as to the possible situation of conflicting restrictions. Mr. Myers stated that the ordinance was created in terms of design standards and that City staff would have to make sure that the ordinance would dictate which design review would take place. Ms. Novak expressed her concern that some people might be interested in NCDs so as to avoid the restrictions of historic district status. Mr. Dossett noted that there are significant differences between the two: with one, the historical significance of a given area is protected and with the other, destruction of a neighborhood is prevented, which is a different objective than historic preservation.

## **12. STUDY SESSION**

There was none.

## **13. ANNOUNCEMENTS**

The following announcements were made:

- A meeting of the Preservation and Conservation Association (PACA) would be held on Sunday, April 15, 2007, at the First United Methodist Church on State Street in Champaign.
- PACA is planning a Building Fair for May 2007.
- Mr. Myers stated that he thought the best time to schedule the Windows Workshop would be one of the first weeks in September.
- Ms. Lipes announced the 14<sup>th</sup> Annual Walking Tour of the University of Illinois Campus, which would meet north of the Illini Union. Participants would be able to learn about the history of the campus.

## **14. ADJOURNMENT**

Mr. Zangerl moved to adjourn the meeting. Ms. Stuart seconded the motion. The meeting adjourned at 9:18 p.m.

Submitted,

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Robert Myers, Planning Division Manager