

**Naperville Historic Preservation Commission  
Public Hearing Findings and Recommendation  
Regarding Petition #17-3045 Seeking Landmark Designation of  
110 S. Washington, Naperville, IL**

On August 22, 2017, the City of Naperville Historic Preservation Commission (“HPC”) conducted a public hearing on Petition #17-3045 (“Petition”) filed by Barbara Hower and Charlie Wilkins (cumulatively referenced herein as “Petitioner”) seeking the building located at 110 S. Washington, Naperville, IL designated as a local landmark pursuant to 6-11-3 of the Naperville Municipal Code (“Code”) as authorized by 65 ILCS 5/11-48.2-2 *et seq.* and 65 ILCS 5/11-13-1, *et seq.*

The building (originally the “Nichols Library” and hereinafter referenced as “Original Nichols Library” or “Property”) is located on approximately .56 acres of land north of Jefferson Avenue and south of the intersection of Van Buren and Washington Streets. The front of the building faces Washington Street. It is zoned B4 (Downtown Core District).

The owner of the Property, Great Central Properties III, LLC (“Property Owner”) submitted a response to the Petition in which it objected to the landmark designation and provided several reports pertaining to the estimated cost to restore or repair the Property to a condition that complies with Title 5 (Building Regulations) of the Code.<sup>1</sup>

While the Code notes that the consent of the owner of the building sought to be landmarked is preferable, the Code also provides that the owner’s consent is not required as a condition to landmark designation. [6-11-3:3] The Code further provides that even if the HPC determines that criteria set forth in 6-11-3:2 of the Code are met, it is within the discretion of the HPC to recommend denial of a petition for designation of a landmark. [6-11-3:1.10]

A majority of a quorum of the HPC were present for the public hearing and heard opening remarks from the Petitioner and the Property Owner followed by testimony from 27 members of the public and closing remarks by the Property Owner and the Petitioner. There was no limitation on the time each individual was permitted to speak. The Chair of the HPC permitted questions to be asked of the Petitioner, Property Owner, and all who provided testimony during the hearing.

The HPC meeting began at 7 p.m. and concluded at approximately 11:14 p.m. After the public hearing portion of the meeting was concluded, the HPC deliberated and provided the following findings of fact in response as set forth in 6-11-3:1.10 of the Code:

**1. 6-11-3:1.10.1/Findings of fact related to the criteria set forth in Section 6-11-2:2.**

The Commission reviewed the Criteria for Designation Of Landmarks set forth in Section 6-11-2:2.1 and 2.2 of the Code. In order for that criteria to be met, 6-11-3:2.1 provides that the improvement sought to be designated as a landmark must be over fifty (50) years old in whole or in part and at least one of the five criteria listed in 6-11-2:2.2 must be met.

---

<sup>1</sup> The Petitioner noted during the public hearing that the estimates they obtained were not as complete as they would be if they had final plans and specifications for restoration or repair and that what was provided was what they were able to provide within the timeframe provided in the Code. Petitioner had 60 days from receipt of the Petition (including a 30-day extension period provided for in the Code) and submitted an environmental report 1 day after the 60-day period and an updated opinion of probable renovation costs 11 days after the 60-day period.

The HPC unanimously found (vote 6-0) that the Original Nichols Library located at 110 S. Washington Street is over fifty (50) years old [built between 1897 and 1898], in whole or in part, as required by 6-11-2:2.1 of the Code. The HPC also unanimously found (vote 6-0) that the Original Nichols Library meets the following four criteria for landmarking set forth in 6-11-2:2.2<sup>2</sup>:

**6-11-3:2.2.2.2 - That it has a direct connection to an important event in national, State or local history.**

It was determined that this criterion was met because Naperville resident James L. Nichols, a prominent businessman and author, bequeathed ten thousand dollars (\$10,000) in his will to the City of Naperville for the purpose of purchasing property and erecting a library which became the original Nichols Library which is the subject of the Petition.

**6-11-3:2.2.2.3 - That it embodies the distinguishing characteristics of an architectural period, style, method of construction, or use of indigenous materials.**

It was determined that this criterion was met because the Original Nichols Library embodied the distinguishing characteristics of the Richardsonian Romanesque architectural style and because of the use of indigenous materials in its construction (limestone quarried in Naperville).

**6-11-3:2.2.2.4 – That it represents the notable work of a builder, designer or architect whose individual work has substantially influenced the development of the community.**

It was determined that this criterion was met because the Original Nichols Library represented the work of designer and architect M.E. Bell, a nationally recognized architect of civic buildings.

**6-11-3:2.2.2.5 - That it is included in the National Register of Historic Places.** It was determined that this criterion was met because the Original Nichols Library is part of a federal historic district as designated by the National Register of Historic Places in 1977; in this designation, the Original Nichols Library was noted to be a structure of special significance within the federal district based upon its architectural style. Through a 2012 update to the federal district, the Old Nichols Library was noted as a contributing resource to the historic character of the federal district.

The HPC did not reach concurrence (vote 3-3) regarding the applicability of the criterion found in 6-11-3:2.2.2.1/**That it was owned or occupied by a person of historic significance in national, State or local history.** Those voting in favor found that this criterion was met based on James L. Nichols' financial contribution to the City as well as the importance of the Nichols family to Naperville history. Those voting against this criterion noted that the Property was purchased by the City of

---

<sup>2</sup> Only one criteria is necessary to be met, in addition to the property being over fifty years old, in order for the conditions set forth in 6-11-3:2 to be met.

Naperville *using* the bequest from James L. Nichols, but that James L. Nichols never owned or resided on the Property.

2. **6-11-3:1.10.2/A statement indicating whether the owner of the proposed landmark has responded to the application and the nature of the response pursuant to Section 6-11-3:3.**

The HPC acknowledged that the Property Owner presented his response to the landmark Petition and noted his clear and unequivocal objection to the Petition.

3. **6-11-3:1.10.3/A description of evidence submitted by the property owner to the Commission regarding the proposed landmark which evidence may consist of reports prepared by experts or specialists in one or more areas of expertise, inspection reports, photographs, and bids for repair or restoration. Section 6-11-3:1.4.**

The HPC considered this criterion in the context of the cost and the burden to the Property Owner to repair or restore the Property. The HPC noted the wide disparity between cost estimates provided by the Property Owner and the Petitioner for repair and restoration of the Property but felt that it did not have a strong basis upon which to determine which cost estimate was more accurate, or whether the correct cost estimate might be somewhere between the two. The HPC did acknowledge that there is a cost burden to the Property Owner; however, the true amount is unknown at this time.

The HPC also noted the inapplicability of the provision in Subsection 6-11-3:1.4.1 of the Code which provides that “if the owner is opposed to the designation due to the physical condition of the improvement, the owner may submit evidence to show that the improvement has deteriorated and/or is subject to one or more adverse conditions such that the cost to restore or repair the improvement to a condition that complies with the standards for issuance of an occupancy permit under the provision of Title 5 would meet or exceed the assessed valuation of the property and improvement as shown on the most recent tax bill multiplied by one hundred fifty percent (150%).” Since the Original Nichols Library has held tax-exempt status since its construction, there is no record of an assessed value.

The HPC unanimously (vote 6-0) concurred with the statements above.

4. **6-11-3:1.10.4/Any other facts that the Commission finds relevant.**

The HPC noted the following as relevant to the consideration of the landmark Petition for the Property:

- Several Commissioners noted that clear community support has been expressed for the landmarking of the Property in the form of written statements, petitions, and public testimony. Other Commissioners noted that the public comment received may not be reflective of the larger Naperville community.
- Some Commissioners noted the significance of the covenants<sup>3</sup> that exist to protect the façade of 110 S. Washington Street and the entranceway foyer,

---

<sup>3</sup> The covenants referenced are those set forth in the deed conveying the Property from the City of Naperville to the Truth Lutheran Church in 1996.

noting that this protection may be stronger than landmark status (particularly since the covenants were in place at the time that the Property was purchased by the current Property Owner) and that the existence of the covenants indicates an historical desire to retain the façade in its current condition.

*At the conclusion of their discussion on the findings, the HPC moved to adopt the findings of fact summarized above and recommended granting the Petition in case number 17-3045 seeking to designate 110 S. Washington Street as a landmark as provided in Section 6-11-3 of the Naperville Municipal Code.*

*Vote: Approved (5-1)*

*Yes: Doyle, Garrison, Jacks, Martinez, Urda*

*No: Noel*