



Legislation Details (With Text)

**File #:** 17-710      **Version:** 1

**Type:** Report      **Status:** Passed

**File created:** 9/8/2017      **In control:** City Council

**On agenda:** 9/19/2017      **Final action:** 9/19/2017

**Title:** Consider the Recommendation of the Historic Preservation Commission to Designate the Old Nichols Library located at 110 S. Washington Street as a Landmark in Accordance with Section 6-11-3 (Designation of Landmarks) of the Naperville Municipal Code - HPC 17-3045 and Consider the Owner's Request to Table the Matter to November 7, 2017.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Property Owner Request for Continuance.pdf, 2. Landmark Ordinance.pdf, 3. Exhibit A Legal Description.pdf, 4. Exhibit B Subject Property.pdf, 5. Exhibit C Warranty Deed – Truth Lutheran .pdf, 6. Exhibit D Warranty Deed – Great Central Properties.pdf, 7. Exhibit E HPC Findings of Fact.pdf, 8. Attachment 1 -Landmark Application.pdf, 9. Attachment 2 -Section 6-11-6 through 6-11-11 (COA Requirements).pdf, 10. Attachment 3 -Section 6-11-3 (Designation of Landmarks).pdf, 11. Attachment 4 -Property Owner Response to Landmark Application.pdf, 12. Attachment 5 -Conditions Report Submitted by Landmark Applicants.pdf, 13. Attachment 6 -Downtown Architectural Survey.pdf, 14. Attachment 7 -Federal Historic District Map.pdf, 15. Attachment 8 -Local Historic District Map.pdf, 16. Attachment 9 -8/22 HPC Meeting Minutes- DRAFT.pdf, 17. Public Comment.pdf, 18. Landmarks Illinois let\_Nichols Lib\_City Council\_Sept13\_17.pdf, 19. Petition.pdf, 20. Location Map.pdf

Date	Ver.	Action By	Action	Result
9/19/2017	1	City Council	approved	Pass

**CITY COUNCIL AGENDA ITEM**

**ACTION REQUESTED:**

Consider the Recommendation of the Historic Preservation Commission to Designate the Old Nichols Library located at 110 S. Washington Street as a Landmark in Accordance with Section 6-11-3 (Designation of Landmarks) of the Naperville Municipal Code - HPC 17-3045 and Consider the Owner's Request to Table the Matter to November 7, 2017.

**DEPARTMENT:** Transportation, Engineering and Development

**SUBMITTED BY:** Gabrielle Mattingly, Assistant Planner

**BOARD/COMMISSION REVIEW:**

The Historic Preservation Commission (HPC) conducted the public hearing regarding the application to designate the Old Nichols Library located at 110 S. Washington Street as a landmark on August 22, 2017. At the conclusion of the public hearing and the HPC's discussion, the HPC moved to adopt the findings of fact 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 5-1).

## **BACKGROUND:**

The petitioners, Barbara Hower and Charlie Wilkins, have submitted an application to designate the Old Nichols Library located at 110 S. Washington Street as a local historic landmark (see Attachment 1). The property is generally located north of Jefferson Avenue and east of Washington Street and is zoned B4 (Downtown Core District). It is approximately 0.56 acres and is improved with the Old Nichols Library building, most recently occupied as a church.

If approved by City Council, the landmark designation would provide local historic preservation protections to the property and would require issuance of a Certificate of Appropriateness (COA) prior to certain exterior building modifications or demolition from occurring (see Attachment 2).

It should be emphasized that the landmark designation only provides protection for exterior façade which is visible from the right-of-way.

### *Application*

On June 5, 2017, the petitioners submitted an application to the City to designate the original Nichols Library Building at 110 S. Washington Street as a local landmark. In accordance with the Naperville Municipal Code (Code) (see Attachment 3), the following steps were completed during the processing of the landmark application:

- June 8, 2017: Upon receipt of the application, staff completed a review to confirm that all materials were submitted per the requirements of the Code and transmitted a copy to the property owner and to the Historic Preservation Commission (HPC).
  - Given that the property owner is not the applicant, the owner was provided a period to submit a written response to the landmark application, as well as any evidence in support of or in opposition to the proposed landmark designation. Such evidence may consist of, but is not limited to, reports prepared by experts or specialists in one or more areas of expertise, inspection reports, photographs, and bids for repair or restoration.
  - Per Code Section 6-11-3: 1.4.1, the property owner, submitted a request to extend the response period. The extension was approved, thereby resulting in an August 9, 2017 deadline for the property owner response.
- August 9, 2017: The property owner's response was received by the City (see Attachment 4). The environmental report, referenced as an attachment to the property owner's response, was submitted to the City on August 10, 2017.
- August 10, 2017: The completed application (landmark nomination and property owner response) was transmitted to the HPC. Per Code, the HPC is required to hold a public hearing regarding the application within 30-days after the completed application has been transmitted to the HPC; in accordance with this Section, the HPC meeting was scheduled for August 22, 2017. The purpose of the HPC's hearing is to form findings and recommendations to the City Council.
- August 10, 2017: Applicants Charlie Wilkins and Barbara Hower submitted a conditions report to the City (see Attachment 5).

NOTE: A landmark application is valid for a period of 150 days from transmittal of the application to the HPC, which occurred in this case on August 10, 2017. (Section 6-11-3:1.5 of the Code.) If the application is not granted or denied within that timeframe (or within an additional sixty-day period if an extension is requested by the applicant and consented to by the property owner), the application automatically becomes null and void without further action by the City. If that occurs no application for

landmark designation may be made for a period of one year unless the property owner consents to the application. (Section 6-11-3:1.15 of the Code.)

#### *Request for Continuance*

On September 13, 2017, the City received a letter from the property owner's new attorney (see attached) requesting that the City Council table action on the landmark petition to the City Council meeting scheduled for November 7, 2017.

#### *Additional Information*

##### Downtown Survey

In October 2010, the City hired Granacki Historic Consultants, to survey 53 buildings in the City's Downtown commercial area in accordance with recommendations made in the *Naperville Downtown2030* plan. The buildings surveyed were selected with assistance from the Naperville Heritage Society. The Old Nichols Library on the subject property was included in the downtown survey. A copy of the completed survey form can be found in Attachment 6. The results of the survey classify the Old Nichols Library as Richardsonian Romanesque style, as having 1.5 stories with the following significant features: shallow hipped roof; blonde brick exterior with rusticated stone detailing around entrance, windows, corners, and at base; steeply pitched gable centered on front façade; slightly projecting center entry bay with segmental arch entry surrounded by rusticated stone; similar projecting bay along north elevations; historic windows with stone lintels. The survey identifies the building to have been constructed around 1897-1898.

##### Federal Historic District

110 S. Washington Street is included within the boundaries of a federal historic district as designated by the National Register of Historic Places in 1974 (see Attachment 7). As designated, the federal district includes approximately 492 contributing buildings and 86 non-contributing structures. The Old Nichols Library is listed as a contributing building and received mention within the federal district nomination for its historical/architectural significance. It should be noted that the HPC does not have jurisdiction over properties included within the federal historic district unless they are also designated as a local landmark per City ordinance (note: 320 of the properties located within the federal district are locally landmarked - see Attachment 8. The Old Nichols Library is NOT currently designated as a local landmark). Per the National Register's webpage: "Under Federal Law, the listing of a property in the National Register places no restrictions on what a non-federal owner may do with their property up to and including destruction, unless the property is involved in a project that receives Federal assistance, usually funding or licensing/permitting". The property owner has not indicated that any such federal assistance is anticipated for the subject property.

##### Façade Covenant

On April 10, 1996, a Warranty Deed conveying the subject property from the City to Truth Lutheran Church, E.L.C.A.-Naperville, Inc. was recorded with the DuPage County Recorder. The deed included covenants and restrictions for the benefit of the City which run with the land and which require the Washington Street (west/front) façade, the interior of the entrance foyer of the Old Nichols Library, and the USGS benchmark in the northwest corner of the building, to be retained, protected and maintained. Any amendment or release of the covenants and restrictions requires approval of the City Council.

##### Development Request

A development application has been submitted to the City for the subject property. The review of this application will be completed through a separate review process by the Planning and Zoning

Commission (PZC) and City Council. While the development application was originally scheduled for the August 2, 2017 PZC meeting, the petitioner's attorney submitted a request to continue the case to the September 6, 2017 PZC meeting, and later to the October 4, 2017 PZC meeting, in order to allow the landmark nomination to first be considered by the HPC and then City Council. Per the Code, during the review of the pending landmark application, any alterations of exterior features that would be subject to a Certificate of Appropriateness (i.e. features visible from the public right-of-way) are prohibited until the City Council has taken final action to grant or deny the application. Interior modifications would be permitted since they fall outside the City's purview related to landmark status.

## **DISCUSSION:**

As provided in Section 6-11-3:2 of the Naperville Municipal Code, the merits of the landmark nomination are based upon the following criteria:

- 2. Criteria For Designation Of Landmarks: An application for landmark designation may be granted based on the findings that the improvement proposed to be designated as a landmark meets the following criteria:
  - 2.1. That it is over fifty (50) years old, in whole or in part; and
  - 2.2. That one or more of the following conditions exist:
    - 2.2.1. That it was owned or occupied by a person of historic significance in national, State or local history;
    - 2.2.2. That it has a direct connection to an important event in national, State or local history;
    - 2.2.3. That it embodies the distinguishing characteristics of an architectural period, style, method of construction, or use of indigenous materials;
    - 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; or
    - 2.2.5. That it is included in the National Register of Historic Places.
  - Note: It shall be within the discretion of the Commission to recommend denial of an application even if the Criteria for Designation of Landmarks have been met.
  - 3. Owner's Consent: The input, and preferably the consent, of the owner shall be considered by the Commission and the City Council in reaching a determination as to whether an improvement should be designated as a landmark. However, the owner's consent shall not be required as a condition to such designation.
    - Section 6-11-3:1.4.1 of the Naperville Municipal Code additionally provides the following: "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](https://library.municode.com/il/naperville/codes/code_of_ordinances?) [https://library.municode.com/il/naperville/codes/code\\_of\\_ordinances?](https://library.municode.com/il/naperville/codes/code_of_ordinances?) 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%)".

## *HPC Review*

At their August 22, 2017 meeting, the HPC conducted a public hearing to consider the request to designate the Old Nichols Library located at 110 S. Washington Street as a local landmark.

Following presentations by the landmark applicants and the property owner, public testimony was provided by 27 speakers. The property owner and the landmark applicants also provided closing statements. (See Attachment 9 for draft HPC minutes). At the conclusion of the public hearing and the HPC's discussion of the findings, the HPC moved to adopt the findings of fact (see Exhibit E to the Ordinance) 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 5-1).

#### *City Council Review*

The Naperville Municipal Code requires that the HPC's recommendation and findings of fact be submitted to the City Council within 30-days of their issuance by the HPC. This requirement has been met with the placement of this item on the September 19, 2017 City Council agenda.

The City Council shall grant or deny the application for landmark designation using the criteria set forth in Section 6-11-3:2 or on such other bases as it deems appropriate. The City Council shall grant or deny the landmark application within 150 days of the transmission of the application to the HPC (no later than January 7<sup>th</sup>, 2018) unless this timeframe is extended by City Council for 30 days. Any application which is not granted or denied within the 150-day timeframe shall automatically lapse and become null and void without any further action by the City. [Note: Pursuant to 6-11-3:1.5 of the Code, the applicant may request a 60-day extension to the 150-day timeframe; however, the property owner must consent to the extension].

If the landmark application is approved by City Council, a copy of the ordinance approving the landmark designation shall be recorded with the DuPage County Recorder.

If the landmark application is denied by City Council, no application for landmarking may be made on the subject property for a period of one-year from the date of final action, unless the owner consents to the application.

#### **FISCAL IMPACT:**

N/A