



Legislation Details (With Text)

File #: 22-0089B **Version:** 1

Type: Ordinance **Status:** Failed

File created: 2/3/2022 **In control:** City Council

On agenda: 2/15/2022 **Final action:** 2/15/2022

Title: Option A: Concur with the applicant and direct staff to draft an ordinance to designate the property located at 34 South Washington Street (Kroehler YMCA) as a landmark - HPC 21-4482;
or
Option B: Concur with the Historic Preservation Commission and deny the landmark application for 34 South Washington Street (Kroehler YMCA) - HPC 21-4482

Sponsors:

Indexes:

Code sections:

Attachments: 1. Landmark Application, 2. Section 6-11-6 through 6-11-11 (COA Requirements), 3. Section 6-11-3 (Designation of Landmarks), 4. Property Owner Response to Landmark Application, 5. Exerpt of Johnson Laskey Windshield Survey, 6. Downtown Architectural Survey, 7. Federal Historic District Map, 8. Excerpt of 2012 Update to the Federal Historic District, 9. HPC Public Hearing Findings and Recommendation Regarding Petition 21-4482, 10. 01.27.2022 DRAFT HPC Meeting Minutes, 11. Additional Owner Exhibits Submitted 01.27.22, 12. Local Historic District Map, 13. Public Comment

Date	Ver.	Action By	Action	Result
2/15/2022	1	City Council	denied	Pass

CITY COUNCIL AGENDA ITEM

ACTION REQUESTED:

Option A: Concur with the applicant and direct staff to draft an ordinance to designate the property located at 34 South Washington Street (Kroehler YMCA) as a landmark - HPC 21-4482;
or

Option B: Concur with the Historic Preservation Commission and deny the landmark application for 34 South Washington Street (Kroehler YMCA) - HPC 21-4482

DEPARTMENT: Transportation, Engineering and Development

SUBMITTED BY: Kathleen Russell, AICP

BOARD/COMMISSION REVIEW:

On January 27, 2022, the Historic Preservation Commission (hereinafter "HPC") conducted a public hearing regarding application HPC 21-4482 (hereinafter "Application") seeking to designate a portion of the structure located at 34 S. Washington Street (hereinafter the "Kroehler YMCA") as a landmark pursuant to Section 6-11-3 (Designation of Landmarks) of the Naperville Municipal Code. At the conclusion of the public hearing and the HPC's deliberation, the HPC voted 4 to 1 against a Motion to Approve the Application.

BACKGROUND:

The Application submitted by Naperville Preservation, Inc. (hereinafter the "Applicant") seeks to

designate the original portion of the Kroehler YMCA located at 34 S. Washington Street which was constructed in 1910 as a local historic landmark pursuant to Section 6-11-3 of the Naperville Municipal Code (see Attachment 1). The Application specifically excludes the two north additions with the pool and racquetball courts from the landmark request.

The subject property is generally located on the east side of Washington Street south of the intersection of Benton Avenue and Washington Street and is zoned B4 (Downtown Core District). It is approximately 0.54 acres and was previously utilized as the Kroehler YMCA, an institutional use.

If the Application is approved, demolition of the two north additions will not require HPC approval; however, submittal and review of a demolition permit by staff will still be required. If new structures or additions are proposed on the subject property, that portion of the structures which will be visible from the public right-of-way will be required to be reviewed through the COA process prior to issuance of a building permit.

Landmark Application Timeline - All timelines required by the City Code for processing the Application to landmark and submission of a recommendation by the HPC to the City Council with respect to that Application have been followed.

Prior City Reports Referencing the Kroehler YMCA

Johnson Laskey Windshield Survey (2007)

In 2007, the City, in cooperation with Naper Settlement/Naperville Heritage Society, hired Johnson Lasky Architects to conduct a reconnaissance survey of the downtown businesses and certain residential areas; this survey is often referred to as a "Windshield Survey." The purpose of the Johnson Laskey Windshield Survey was to obtain objective information on the City's historic and architectural resources to serve as a guide for City planning needs and create a foundation upon which reviews for future development proposals in this sector of the City may be assessed.

The Johnson Laskey Windshield Survey report noted the following with respect to the Kroehler YMCA (see survey excerpt in Attachment 5):

- "The east side of Washington between Jefferson and Washington is lined with historic institutional buildings (the old public library and YMCA). The presence of these, in particular the old library, must be maintained and celebrated. The old library forms a direct link to Central Park, behind it."
- The original YMCA structure is shown as "contributing" on the Downtown 1920s map.

Downtown Survey (2010)

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 and the 2007 Windshield Survey. The buildings surveyed were selected with assistance from the Naperville Heritage Society.

The Downtown Survey noted the following with respect to the Kroehler YMCA:

- The building was constructed in 1910 and is classified as Classic Revival style (see Attachment 6). The building has three stories and the following significant features: original 3-

story brick structure, with historic wood double hung windows; slightly projecting center entry bay with square piers; 3-part first story window openings with stone detailing on front façade; projecting metal cornice just below simple brick parapet wall; decorative brick diaper panels between 3rd story windows.

Federal Historic District (1977; updated 2012)

The Kroehler YMCA is included within the boundaries of a federal historic district as designated by the National Register of Historic Places in 1977 (see Attachment 7).

Because the National Register generally requires buildings to be at least 50 years old to be listed as historically significant, when the Naperville federal district was established in 1977, only those buildings constructed on or before 1927 were included. In 2012, Naperville's National Register district was updated to (1) identify additional contributing properties which became eligible to be added into the existing National Register district (i.e., those buildings constructed on or before 1962); and (2) exclude properties that had lost historic integrity or had been demolished. The federal district includes approximately 492 contributing buildings and 86 non-contributing structures.

The 2012 National Register update, as prepared by Johnson Laskey, notes the following with respect to the Kroehler YMCA (excerpt of report included as Attachment 8):

- 34 S. Washington Street*: non-contributing
- 36 S. Washington Street*: contributing

**It is important to note that the City's mapping systems list the current address of the Kroehler YMCA as "34 S. Washington Street"; "36 S. Washington Street" is not a valid address in the City's systems. However, internet searches for "36 S. Washington Street" bring up the Kroehler YMCA. Staff believes that "36 S. Washington Street" was the address historically assigned to the original YMCA structure, with "34 S. Washington Street" being assigned to the pool and addition.*

For reference, the HPC does not have jurisdiction over properties included within the federal historic district **unless** they are located within the City's Historic District or have been designated as a local landmark per City ordinance (Note: The Kroehler YMCA is NOT currently located in the City's Historic District; nor has it been designated as a local landmark). The HPC will have jurisdiction over the Kroehler YMCA property only if the pending landmark Application is approved by City Council.

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."

DISCUSSION:

Under the City Code the consent of the property owner is preferred but is not required in order for a structure to be designated a local landmark. The Kroehler YMCA Property Owner does not consent to the proposed Application. [Section 6-11-3:3]

The City Code also provides that even if the criteria for designation of a landmark have been met: "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." [Section 6-11-3:1.10]

YMCA Landmark Application

The table below sets forth the landmark criteria in the City Code as well as the Applicant’s assertions as to applicability of that criteria (“Landmark Criteria”) to the Kroehler YMCA. In addition to the Landmark Criteria below, the landmark must also be over 50 years old. This requirement is met as the original building is over 50 years old.

Landmark Criteria	Naperville Preservation, Inc. Application
2.2.1. That it was owned or occupied by a person of historic significance in national, State or local history;	“2.2.1. Kroehler YMCA was associated with notable Naperville resident Peter Kroehler and notable YMCA architects Shattuck and Hussey”
2.2.2. That it has a direct connection to an important event in national, State or local history;	*2.2.2 Naperville was the first community of its size and outside the City of Chicago to have a YMCA. The Naperville community worked together to raise a significant amount of money in a short period of time to support construction of the YMCA.
2.2.3. That it embodies the distinguishing characteristics of an architectural period, style, method of construction, or use of indigenous materials;	“2.2.3 YMCA embodies the distinguishing characteristics of YMCA buildings across America in architecture, period, style, and method of construction”
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	“2.2.4. Kroehler YMCA represents the notable architects Walter F. Shattuck and Harry Hussey whose work has substantially influenced the development of America”
2.2.5. That it is included in the National Register of Historic Places.	“2.2.5. Kroehler YMCA is included in the Naperville National Register Historic District.”

**The Application did not include the criterion in 2.2.2 as one of the bases for landmark designation of the Kroehler YMCA. However, during the HPC meeting, the Applicant clarified that this criterium was excluded in error and that the criterium is met.*

Staff provides the following technical comments regarding Naperville Preservation, Inc.’s Application:

- The Application states that “the architectural style most closely associated with the building is Italianate”; however, Criteria 2.2.3 requires that the structure *embody* the distinguishing characteristics of an architectural style. [Emphasis added]
- The Application states that the Kroehler YMCA architects have “substantially influenced the development of America”; however, Criteria 2.2.4 requires that the proposed landmark should “represent(s) the notable work of a builder, designer or architect whose individual work has *substantially influenced the development of the community.*” [Emphasis added] The Application does not provide any information as to how the Kroehler YMCA architects have influenced development within Naperville.

Property Owner’s Response to the Landmark Application

Attorney Scott Day submitted written opposition to the Kroehler YMCA landmark Application on behalf of the Property Owner; the Property Owner’s response is included as Attachment 4. It should be noted that at the public hearing conducted on January 27, 2022, the Property Owner submitted six

additional exhibits (see Attachment 11).

Staff provides the following technical comments regarding the Property Owner's response to the Application:

- Although the landmark Application submitted for the Kroehler YMCA seeks local landmark status only for the original portion of the building, Mr. Day confirmed to staff that the cost estimate submitted in the Owner's response (Exhibit 1, page 19) includes costs applicable to the "**entire building and all operations.**"
 - Note: the original structure sought to be landmarked comprises approximately 17,929 sq.ft. of the total 41,205 sq.ft of the current YMCA building.
- Further, the code stipulates that the "owner may submit evidence to demonstrate 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 50% of the replacement cost of such building or structure." [Emphasis added] The Owner has submitted a cost estimate; however, (1) the Owner has not articulated the basis for its stated cost estimate of thirteen million, one hundred and sixty-eight thousand, one hundred and twenty-five dollars (\$13,168,125.00) and if this cost estimate is limited to the Code standard of issuance of an occupancy permit (and not more substantial renovations); and (2) has not demonstrated whether the costs would meet or exceed 50% of the replacement cost of the building to be landmarked as required by Code. Further, as noted above, the cost estimate provided by the Owner includes not just the portion of the building sought to be landmarked, but the "entire building and all operations."
- Page 11 of the Owner's response notes that:

"However, since 1982 and continuing over the past four decades, while a compulsory landmark designation over the objection of a property owner has been **permitted** under the Naperville City code, **it has almost never been undertaken.** In this regard, the YMCA truly confronts and opposes a very rare application. Naperville Preservation is asking the City to impose an involuntary landmark designation outside of the Naperville Historic District in downtown. This is new ground. The Naperville Historic District is administered and planned by the Historic Commission. Downtown Naperville is planned by the Plan Commission and City Council. YMCA is located in downtown Naperville, and not within the Naperville Historic District."

Contrary to the Owner's assertion above, an application for involuntary landmarking in the downtown and outside of the Naperville Historic District is not "new ground." In 2017 the Old Nichols Library, located at 110 S. Washington Street (directly **south** of the Kroehler YMCA), was designated as a local landmark without the consent of the property owner. Further, it should be noted that the building directly to the **north** of the Kroehler YMCA (the Naperville Women's Club located at 14 S. Washington Street) is also landmarked under the City Code (though, in contrast to the Old Nichols Library, the Naperville Women's Club was landmarked with the consent of the owner).

- The Owner's response indicated that the 2012 Update to the Federal Historic District (as prepared by Johnson Lasky Architects) identified the Kroehler YMCA building as "non-contributing." However, as noted in the section above captioned "*Survey Information*"

Regarding the Kroehler YMCA, the building located at 36 S. Washington Street (believed to be the original Kroehler YMCA structure) was classified as “contributing.”

- Page 14 of the Owner’s response notes that the Kroehler YMCA is listed as an opportunity site in the *Naperville Downtown2030* plan. Staff confirms that this is accurate, but further notes the following excerpt from the Plan which indicates that demolition/new construction is not a requirement of an opportunity site: “It is important to understand that opportunity site designation does not require or prompt redevelopment by the city. However, should redevelopment be requested by a private property owner, opportunity sites will be subject to a higher level of building design, site amenity consideration, and site plan review to respect their potential impact on the downtown.”
- Finally, page 16 of the Owner’s response describes the south edifice of the Kroehler YMCA as “relatively non-descript, devoid of any articulation and presents an unremarkable, but more importantly uninteresting, architectural wall that renders this walkway less desirable.” The Owner’s response concludes that the south façade therefore fails to meet the goals for a terminated vista as described in *Naperville Downtown2030*, as well as the *Central Park Master Plan*. However, if the Kroehler YMCA is designated as a local landmark, the south façade will not be subject to review and approval through the COA process since it does not front a public right-of-way.

Accordingly, even if a portion of the Kroehler YMCA structure is landmarked, the south façade of the building could be modified in the future to meet the goals described in *Naperville Downtown2030* and the *Central Park Master Plan* so long as the proposed modifications are in accordance with the adopted Downtown Design Guidelines which are applicable to any new construction project in the downtown.

Public Hearing

On January 27, 2022, the HPC conducted a public hearing to consider Application HPC 21-4482 submitted by Naperville Preservation, Inc. to designate a portion of the Kroehler YMCA as a local landmark.

Following presentations by the Applicant and the Property Owner, public testimony was provided by six (6) speakers. The Property Owner and the Applicant also provided closing statements (See Attachment 10 for draft HPC minutes). Cross-examination and questions were permitted until the commencement of closing remarks by the Applicant and Property Owner. Representatives of the Property Owner submitted six additional exhibits during the meeting, which can be found in Attachment 11.

HPC Deliberation: Section 6-11-3:1.10 of the Code provides for the HPC to make findings of fact as follows:

- 1.10.1. Findings of fact related to the criteria set forth in Section 6-11-3:2 (Criteria for Designation of Landmarks);
- 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;
- 1.10.3. A description of evidence received by the Commission relative to the proposed landmark designation pursuant to Section 6-11-3:1:4; and
- 1.10.4. Any other facts that the Commission finds relevant.

As noted above, Section 6-11-3:1.10 of the City Code provides that even if the HPC determines that criteria for designation of a landmark have been met, Section Code provides that the Commission has the discretion to recommend denial of a landmark application.

At the conclusion of the public hearing and the HPC's deliberation, the HPC voted to against a Motion to Approve the Application. The HPC summarized their findings and recommendations from the meeting, which can be found in Attachment 9. In summary, the HPC found that while the Kroehler YMCA technically meets the landmark criteria set forth in the Code, the building is lackluster and only minimally meets said criteria. In addition, the Commission noted that it is unclear how the building will appear after the portions of the building which are not eligible to be landmarked are demolished. Accordingly, the HPC recommended against the designation of the Kroehler YMCA as a landmark as allowed by Section 6-11-3:1.10 of the Code. As noted by the Chair of the HPC, the vote of the HPC resulted in a recommendation to the City Council to deny the Application.

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. In accordance with the requirement, this agenda item is being placed on the February 15, 2022, 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 June 3, 2022) 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 City Council wishes to approve the landmark application, they should direct staff to draft an ordinance for City Council review at a March 2022 meeting. If the landmark application is denied by City Council, no further Council action is required and 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.

Key Takeaways

- The Applicant requests approval of its Application to designate the Kroehler YMCA located at 34 South Washington Street as a local landmark as provided in Section 6-11-3 of the Naperville Municipal Code.
- The Property Owner does not consent to the proposed Application to landmark the Kroehler YMCA.
- The HPC's recommendation to the City Council is to deny approval of the Landmark Application.

FISCAL IMPACT:

N/A