



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: Laurel Lunt Prussing, Mayor

FROM: Elizabeth H. Tyler, Ph.D., FAICP, Director

DATE: August 1, 2013

SUBJECT: landmark application for the Zeta Tau Alpha Sorority House (1404 S Lincoln Ave). Case No. HP 2013-L-01

Introduction and Background

Historic Preservation Case No. HP 2013-L-01 is an application by Briana Kraft of Lena, Illinois to designate the Zeta Tau Alpha Sorority House (1404 S. Lincoln Ave.) as a municipal historic landmark under Article XII of the Urbana Zoning Ordinance. The owner of record is Zeta Tau Alpha Fraternity of Indianapolis, Indiana.

At the July 15, 2013 City Council meeting, after taking public comment, a motion was made and seconded to defer further consideration until August 5, 2013. This memorandum supplements City staff's prior memoranda and is intended to clarify issues raised at the July 15 City Council meeting by the property owner and by Council members. Prior memoranda (and attached exhibits) include those dated May 31, 2013 (for the June 5, 2013 Historic Preservation Commission meeting); June 13, 2013 (for the June 17 Council meeting); July 3, 2013 (for the July 8, 2013 Committee of the Whole meeting); and July 11, 2013 (for the July 15, 2013 City Council meeting).

For the August 5, 2013 City Council meeting, in accordance with State law and case law, City Legal staff is recommending that deliberations be conducted in a quasi-judicial manner, meaning that the Council's deliberations should afford the interested parties the same due process rights as in the public hearing, including an opportunity to question interested parties and to allow any expert testimony.

Discussion

Procedural Questions

Applicant Attendance. A primary issue raised is whether the property owner has been provided a sufficient opportunity to question the applicant given that the applicant did not attend the June 5,

2013 public hearing before the Historic Preservation Commission. It should be noted that the Zoning Ordinance does not require that applicants be present at public hearings, and the same is true for historic landmark applications. The City's proceedings for this application, and specifically the June 5 public hearing, have been carefully reviewed. Based on this review, City legal staff advises that the property owner was not denied due process at the public hearing. The Historic Preservation Commission's proceedings offered the property owner an opportunity to question (cross examine) anyone at the public hearing -- which could have included City staff, supporters, or the historic preservation instructor who supervised the applicant's work -- but the owner declined this opportunity without objection.

The applicant, Briana Kraft, will attend the August 5 City Council meeting in person to present her application and be available for any questions.

City Staff Role. A question was also raised about whether City staff improperly assumed the role of the applicant at the public hearing in her absence. In accordance with standard practices on all cases and with the Historic Preservation Commission bylaws, City staff provided an overview, analysis of landmark criteria, recommended findings, and a recommended Commission action on the application at the meeting on June 5, 2013. In this case, City staff concluded that the Zeta Tau Alpha House met four of the eight criteria of Section XII-5.C of the Urbana Zoning Ordinance and provided a staff recommendation for approval. The Historic Preservation Commission, following a public hearing and deliberations on June 5, 2013, approved a motion recommending approval, including findings consistent with City staff's recommendation. City staff did not assume the role of the applicant in this process.

Public Communications. A question has been raised about whether the City Council should take into account communications from the public received after the close of the public hearing. City staff have reviewed the materials and have determined that all of the written communications included in the June 17 City Council packet were received before the June 5 public hearing and were part of the Historic Preservation Commission's deliberations. However, the public is free to communicate with and provide input to the City Council at any time either in writing or at a public meeting. There is no requirement that the City Council limit its consideration to public testimony and communications taken at the public hearing.

Time Limits for Council Action. A question was raised whether Section XII-5 (Historic Landmarks) of the Urbana Zoning Ordinance obligates the Urbana City Council to take action within 60 days following the date of the close of the public hearing. Specifically, Section XII-5.E.1 states that: “

Historic Preservation Commission Authority:

- b. *“Lacking written owner consent to the landmark designation, the Preservation Commission shall recommend that the Urbana City Council approve or deny said application as specified in Section XII-3.D.2. The Preservation Commission's recommendation shall be in writing and shall be accompanied by minutes of the meeting. Said recommendation shall then be forwarded to the Urbana City Council for consideration at a City Council meeting occurring within 60 days following the date of the close of the public hearing.”*

Following this is a section on the “City Council Authority” which does not provide any time limits for action: “If the City Council determines that the proposed historic landmark should be designated, it shall do so by enacting an ordinance.” (Section XII-5.E.2)

The language cited above was written in 2010 by City staff, including input from the City Legal staff, to address a procedural inconsistency contained in the previous language of the Historic Preservation Ordinance. Before the historic preservation ordinance was amended in July 2010 (Ordinance No. 2010-07-067), the previous ordinance language required the Historic Preservation Commission to forward their recommendation to the *next* City Council meeting. (“Said recommendation shall then be forwarded to the Urbana City Council for consideration at the next City Council meeting.”) Furthermore, the previous language required that the owners be mailed a copy of the Commission’s recommendation *15 days* prior to the City Council meeting when designation would have been considered. Because these requirements were contradictory and sometimes impossible to meet given regular meeting dates, the ordinance language was amended in 2010 to provide a 60-day period within which the Historic Preservation Commission must forward its recommendation, exhibits, and meeting minutes to the Council.

The Urbana Zoning Administrator has consistently interpreted Section XII-5.E.1 to mean that the Historic Preservation Commission must forward its recommendation within 60 days of the close of its public hearing, and not to require that final action must occur by that date. The public hearing on the ZTA landmark application was conducted and closed on June 5, 2013, and the Urbana City Council took up consideration on the application at its June 17, 2013 meeting, thereby meeting the 60-day requirement. The Urbana Zoning Administrator does not find the review timelines for this current application inconsistent with Sections XII-5.E.1 and 2 of the Urbana Zoning Ordinance, nor with prior practices of the Historic Preservation Commission or City Council.

It should be noted that Section XI-3.D of the Urbana Zoning Ordinance allows any interpretation or determination by the Zoning Administrator to be appealed to the Zoning Board of Appeals, as prescribed by the Illinois Municipal Code (65 ILCS 5/11-13-12).

Substantive Questions

Notable Work of a Master Architect. Questions were also raised specific to the analysis of Landmark Criteria d. which states:

d. “Notable work of a master builder, designer, architect or artist whose individual genius has influenced an area”.

The application represents that the Zeta Tau Alpha House was “...designed by Urbana’s renowned architect Joseph William Royer” and further states that the building’s architectural details are “representative of Royer’s signature architectural style”. The application includes an example of the title block from the building’s blueprints which simply states “Royer, Danely & Smith Architects, Urbana, Illinois”. On this point, the application cites Brian Adams’ 2011 book *Joseph William Royer: Urbana’s Architect*. Adams’ book (p. 106) notes that “Royer’s firm” prepared plans for the Zeta Tau Alpha House without attributing the plans to a specific architect within the firm.

At the June 5, 2013 public hearing, the property owner's attorney submitted a copy of the March 18, 1928 edition of the *Daily Illini*, which indicated that "Mr. Smith of Royer and Danely designed the house to be of a northern French style of architecture." Hubert A. Smith was then one of three partners in the firm Royer, Danely, and Smith. The 1928 Urbana City Directory listed J. W. Royer, H.A. Smith, Paul Danely, and Elvin Kratz all as architects employed by the firm.

Hubert Smith, AIA (1892-1972) carried out a long architectural career in Urbana, first working alongside Royer as a draftsman and architect (1914-1930), and then as a partner in competing firms where Smith excelled in Art Deco-style designs. Some of his firm's post-1930 designs include:

- Princess Theater remodeling, Urbana, IL (1934)
- Leal School (collaborating with Royer), Urbana, IL (1936)
- Lafayette Elementary School, Jacksonville, IL (1936)
- Franklin Elementary School, Jacksonville, IL (1939)
- MacMurray College Library, Jacksonville, IL (1941)
- Kathryn Hall, MacMurray College, Jacksonville, IL (1947)
- Urbana High School additions, Urbana, IL (1955), and
- Health Services building additions to McKinley Hospital, Urbana, IL (1958).

Certainly by 1928 the firm of Royer, Danely, Smith was experienced in designing Greek houses in Champaign-Urbana. In the previous decade they had designed four other Greek houses, including the architecturally similar Alpha Rho Chi Fraternity House at 1108 S. First Street in Champaign.

In conclusion, the most specific information provided as part of the public process for this application is that Hubert A. Smith designed the Zeta Tau Alpha House on behalf of his architectural firm, Royer, Danely, and Smith and not that Joseph Royer himself designed the structure. City staff continues to recommend that the property meets Criteria d. in that the Zeta Tau Alpha House is a notable work of a master designer or architect whose genius has influenced an area. Hubert A. Smith having designed the ZTA House meets this criteria. The underlined text in the attached draft ordinance reflects this proposed change.

Summary

In summary, the Historic Preservation Commission's public hearing on June 5, 2013 concerning this case was conducted in accordance with the Historic Preservation Ordinance and Commission bylaws. The Chair followed closely the rules of procedure adopted by the Commission and provided ample opportunity for public input. The Historic Preservation Commission adopted findings to support its recommendation.

In order to continue uphold a fair process, and to afford abundant opportunity for the City Council and others to carefully consider the nomination, the City legal staff has advised the City Council that the August 5, 2013 City Council consideration of this application should be held in a quasi-judicial manner.

Recommendations

At its June 5, 2013 meeting, the Historic Preservation Commission, by a vote of 6 – yes and one abstention, recommended that the City Council approve the application. In so doing the Historic Preservation Commission adopted the following findings:

- *Criteria a)* is integral to the cultural characteristics of the community due to its being an outstanding example of early campus housing and of the impact of the Greek Letter Communities at the University of Illinois; and
- *Criteria c)* is highly representative of the French Eclectic Architectural Style and valuable for its study, as well as retaining a high degree of integrity; and
- *Criteria d)* is a notable work of master architect Joseph Royer; and
- *Criteria e)* is a prominent feature of the community owing to its many unique features and visibility from the University of Illinois campus and Lincoln Avenue. Mr. Shepard seconded the motion.

City staff likewise recommends approval of the application.

Prepared by:

Robert Myers, AICP
Planning Manager

Attachments: draft landmark ordinance

cc: Anne Tamulaitis, ZTA
Matt Deering, Meyer Capel
Collen Ramais, Meyer Capel
Briana Kraft

ORDINANCE NO. 2013-06-054

AN ORDINANCE DESIGNATING A HISTORIC LANDMARK

(1404 South Lincoln Avenue, "Zeta Tau Alpha Sorority House"
Historic Preservation Case No. HP2013-L-01)

WHEREAS, the City of Urbana, a home rule municipality, is authorized to designate local landmarks and historic districts under 5 ILCS 5/11-48.2-2 et seq of the Illinois Municipal Code, and under Article XII (Historic Preservation) of the Urbana Zoning Ordinance; and

WHEREAS, Article XII of the Urbana Zoning Ordinance provides the City of Urbana the authority to designate local landmarks and historic districts with the stated purpose to promote the educational, cultural, economic, and general welfare of the community; and

WHEREAS, Brianna Kraft has nominated the property located at 1404 South Lincoln Avenue, Urbana (commonly referred to as the "Zeta Tau Alpha Sorority House") to be designated a historic landmark pursuant to the Urbana Historic Preservation Ordinance; and

WHEREAS, the owner of the subject property, Zeta Tau Alpha Fraternity, has been duly notified of the nomination and has submitted a valid protest against the nomination; and

WHEREAS, after due publication and notice to all parties as is required under the Historic Preservation Ordinance and the Illinois Municipal Code, a public hearing was held by the Urbana Historic Preservation Commission on June 5, 2013 concerning the subject historic landmark nomination; and

WHEREAS, following the public hearing, the Historic Preservation Commission voted to recommend to the Urbana City Council landmark designation for the subject parcel by a vote of 6 ayes and 0 nays; and

WHEREAS, the owner of the subject parcel was notified of the date of the public hearing and the date of the City Council meeting at which the designation is to be considered.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. The Council does hereby find and determine, based upon the recommendation of the Historic Preservation Commission, that the subject parcel should be designated as a historic landmark on the basis of meeting the following criteria in Section XII-5.C.1:

Criteria a) Significant value as part of the architectural, cultural, educational, and social heritage of the community as an outstanding example of the role that Greek life has historically played on the University of Illinois campus, which is recognized as having the largest university Greek system of any American university;

Criteria c) Representative of the distinguishing characteristics of the French Eclectic Architectural Style and is inherently valuable for the study of that style, as well as for its craftsmanship, and that additionally the Zeta Tau Alpha Sorority House retains a high degree of integrity;

Criteria d) Notable work of Hubert A. Smith, AIA, a master architect whose individual genius has greatly influenced Urbana and Central Illinois; and

Criteria e) Identifiable as an established and familiar visual feature in the community owing to its uniquely prominent and picturesque roofline, rich use of materials and architectural details indicative of the French Eclectic Architectural Style, and visibility from Lincoln Avenue, an arterial roadway which defines the eastern edge of campus;
and

thus, the said structure at 1404 South Lincoln Avenue, commonly referred to as the "Zeta Tau Alpha Sorority House", is hereby designated as a historic landmark, pursuant to Article XII of the Zoning Ordinance of the City of Urbana, Illinois.

LEGAL DESCRIPTION:

Lots Sixty-Three (63), Sixty-Four (64), Sixty-Five (65) and Sixty-Six (66) in University Heights Addition to Urbana, being a part of the Southwest Quarter (SW ¼) of the Southwest Quarter (SW ¼) of Section Seventeen (17), Township Nineteen (19) North, Range Nine (9) East of the Third Principal Meridian, in Champaign County, Illinois.

Said property being commonly known as 1404 South Lincoln Avenue, Urbana, Illinois and having Permanent Identification Number of: 93-21-17-352-005.

Section 2. The City Clerk is hereby directed to publish this Ordinance in pamphlet form by authority of the City Council of the City of Urbana. This Ordinance shall be in full force and effect from and after its passage and publication in accordance with the terms of Chapter 65, Article 11, Division 13 (Zoning) of the Illinois Compiled Statutes (65 ILCS 5/11-13-14).

PASSED by a two-thirds majority of the Urbana City Council this _____ day of _____, 2013.

AYES:

NAYS:

ABSTAINS:

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this _____ day of _____, 2013.

Laurel Lunt Prussing, Mayor

CERTIFICATE OF PUBLICATION IN PAMPHLET FORM

I, Phyllis D. Clark, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois. I certify that on the ____ day of _____, 2013, the City Council of the City of Urbana passed and approved Ordinance No. _____, entitled AN ORDINANCE DESIGNATING A HISTORIC LANDMARK (1404 South Lincoln Avenue, "Zeta Tau Alpha Sorority House" Historic Preservation Case No. HP2013-L-01) which provided by its terms that it should be published in pamphlet form. The pamphlet form of Ordinance No. _____ was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the ____ day of _____, 2013, and continuing for at least ten (10) days thereafter. Copies of such Ordinance were also available for public inspection upon request at the Office of the City Clerk.

DATED at Urbana, Illinois, this ____ day of _____, 2013.