

: OFFICIAL PROCEEDINGS :**: OF THE CITY OF PEORIA, ILLINOIS :**

Room 400, Peoria, Illinois, September 28, 2011, a Historic Preservation Commission Meeting was held this date at 8:30 A.M., at City Hall, 419 Fulton Street, Chairperson Robert Powers presiding.

ROLL CALL

Roll call showed the following Historic Preservation Commission Members were present: Herold, Masick, Pierz, Powers, Ruckriegel, Smith - 6; Absent: Joseph - 1.

Staff Present: Kimberly Smith and Trina Bonds

MINUTES

Commissioner Smith moved to approve the minutes of the August 24, 2011 Historic Preservation Commission meeting (as outlined); seconded by Commissioner Masick.

Approved by viva voce vote.

Yeas: Herold, Masick, Pierz, Powers, Ruckriegel, Smith – 6;

Nays: None;

Abstention: None.

Ms. Bonds swore in the public speakers that wished to give testimony today.

Chairperson Powers explained the procedures of the Commission. He also gave an overview of the Certificate of Appropriateness Finding of Facts Worksheet.

PETITIONS, REMONSTRANCES, AND COMMUNICATIONS- THE CITY OF PEORIA

(HPC 11-19) PUBLIC HEARING on the request of Fulvio Zerla, Zerla Properties, L.L.C. for a *Certificate of Appropriateness* for a parking lot, along with various related improvements, including a retaining wall, safety rail; and, request to remove trees at 818 W. Moss Avenue.

Ms. Smith introduced the case and gave a power point presentation. She reported that the property owner went through the Zoning Board of Appeals for a variance for the subject property including the setback. She then gave an overview of the proposed site plan. She stated that there are a number of trees on the site and further stated that any tree that is over 8 inches in diameter is considered a significant tree. During overview of the site plan for the new parking lot, Ms. Smith stated that the engineering of the property is beyond the scope of the Historic Preservation Commission. She went on to say that the case is only before the Commission because it is in a historic district.

Ms. Smith reported that the petitioner is also proposing a safety railing that will resemble a fence. She then referred to a photo of the proposed railing and also an example of the proposed retaining wall.

Before public testimony, Chairperson Powers welcomed Council Member Beth Akeson to the Historic Preservation Commission meeting.

Ms. Smith reported that she had received letters from the Moss Bradley Neighborhood Association and Ms. Darcy Leach in regards to the case. Chairperson Powers reported that the letters will be received and filed under public testimony for the case.

Fulvio Zerla, Property Owner, gave the background regarding the subject property. He reported that he went through the Zoning Board of Appeals and was granted a variance under a hardship for the setback by a unanimous vote. He stated that the building was built a long time ago and the underground parking spaces are very narrow. He explained that this is a safety issue when tenants egress from the building, especially during the winter. He went on to say that a lot of tenants are parking on Moss Avenue and neighbors are unhappy that they are unable to park in front of their own homes. He further stated that this problem also makes it unappealing and very hard to rent the apartments to perspective tenants. He commented that the little parking lot in front of the building really makes the building look unattractive and he felt it would be a win-win situation for the building and the residents on Moss Avenue. He mentioned from another safety aspect, the Fire Department cannot pull up to the building as it is now. He further commented that with the new parking lot, safety personnel will be able to come all the way up to the building.

After more comments, Mr. Zerla briefly described the proposed retaining wall. He explained that they would be changing the lay of the land and it is going to slope down. He stated that they have to build a retaining wall there in order to have a parking lot. He went on to say that there will be a walkway and safety railing to screen the cars from the street. He reported that the railing will blend in with the building.

Mr. Zerla reported that there are nine major trees and a bunch of brush on the site. He went on to briefly describe the trees on the property. He stated that one of the trees is touching power lines. He reported that the Oak tree on the site has storm damage and insect disease. He went on to say that there was no way to save it because they have to change the contour of the land.

In closing, Mr. Zerla stated that this is a very expensive project and reported that he would like to have it completed by February. He then mentioned letters of support of the project from the Moss-Bradley Neighborhood Association, a Realtor and other homeowners in the neighborhood.

In discussion with Commissioner Masick regarding Plan B on the application, Ms. Smith clarified that originally two options were submitted. She stated that the Zoning Board of Appeals approved the larger plan.

In discussion with Commissioner Smith in regards to his concerns regarding the site plan and possible storm water issues, Mr. Zerla reported that he drew the site plan based on a survey that he had done to the property. He went on to say that his background is engineering and stated that he had also already talked to Jane Gerdes in the Public Works Department about the storm water drainage for the parking lot.

Chairperson Powers opened up the hearing for public testimony. He asked that anyone wishing to provide public testimony, to keep their comments to five minutes or less.

Aurea Toxqui, Cody Court Resident, gave a power presentation for the Commission. She reported that she has lived at the subject property for 3 years. She stated that she is a Historian at Bradley University. She commented that her choices of places to live near Bradley were very limited. She reported that she found this property to be very appealing and referred to images of the beautiful environment surrounding the building. She stated that it is very peaceful and mentioned the character of the building and how it looks. She further stated that she hopes that there is another plan that does not invade as much of the environment and to save as many trees as possible.

Darcy Leach, Cody Court Resident, also referred to the power point presentation of the property. She spoke in opposition of the request and submitted for the record signatures of tenants who also opposed the request. She also submitted letters that were sent to the property owner from some of the tenants of the subject property. Ms. Leach commented that she did not feel any parking extension was necessary. She stated that there is a parking problem, but it did not have to be resolved by an extension of the parking lot. She reported that there is an existing garage that has 30 parking spots, with 10 to 15 regularly used. She mentioned the condition of the parking garage and stated that it is not maintained very well. She commented that there is debris and maintenance equipment taking up space that could be utilized by tenants. She discussed in detail the main reasons why she liked living at this location and explained that she could not bear the thought of having everything that is beautiful outside of her windows to be suddenly gone. She stated that she would hate to see the natural beauty of this historic neighborhood be slowly degraded instead of being cherished and maintained. She asked that the Commission deny the petition or defer the request until a better solution could be reached.

Michael Hilenfeldt, Former Property Owner of Cody Court Apartments, commented that the problems that landlords have in older neighborhoods are enormous. He stated that he has concerns regarding the proposed plan, but stated that there is a problem with visitors and other people parking on the street. He commented that he felt that the plan is being rushed through and could eliminate big trees. He went on to say that when he owned the property he had an arborist look at all of the trees on this property and he was told that some were valuable trees and should be protected. After more comments, he stated that the Zoning Board of Appeals approval was based primarily on increased financial gain. He further commented that when you live in a historic neighborhood, sometimes financial gain has to take second place to historic preservation.

Jason Breede, Neighboring Property Owner, commented that he met with Mr. Zerla to review the plan. He stated that he supported the request that went through the Zoning Board of Appeals. He stated that he supports in general the increased parking, but added that he does have concerns about the Oak tree that is proposed to be taken down. He asked that the City Arborist look at the tree before it is removed. Additionally, he commented that he would like to see all of the parking spaces that are

proposed in the current green space to be postponed. He commented that trees are very helpful for erosion and went on to say that he would support the removal of smaller trees. He further commented that this area naturally has larger trees and they should not lose all of them.

At approximately 9:30 a.m., Chairperson Powers called for a brief recess.

The Historic Preservation Commission reconvened at approximately 9:35 a.m.

After the recess, Ms. Bonds swore in an additional speaker who was not present earlier for the swearing in.

Susanne Nestory, Cody Court Resident, reported that her background is Art at Bradley University. She stated that she has lived at the subject property for 4 ½ years and commented that she has witnessed Mr. Zerla's constant efforts to upkeep the property and commended him for that. She stated that she wanted to express that the surroundings and the historic character of the building drew her to Cody Court. She then questioned the scale of the project and explained that she would support the preserving of the mature trees on the property. She stated that she would like to see the expanded parking lot proposal scaled back to allow for the preserving of those trees and green space.

Marjorie Klise, Moss Avenue Resident, stated that her concerns are that they are voting for a solution when they haven't determined the problem. She commented that when Mr. Zerla came before the Moss-Bradley Board in August, the plan was not submitted at that time. She went on to say that there was only a small representation of the Board present at that meeting. She mentioned the on-street parking and stated that she did a study of the number of vehicles parked along Moss Avenue at different times and found that it was not clear that parking on the street was due to Cody Court or is a problem. After more comments, she stated that she thinks the neighborhood feels that Cody Court is a jewel and they want to see it succeed. She went on to say that they don't want it to succeed on false premises. She commented that the front parking area could easily be reconfigured. She questioned the solution of less grass, more parking spaces and more asphalt. She then requested that the Commission to defer the case to allow the people to come up with a better solution.

Chris Holbrook, Cody Court Resident, reported that his background is also Art at Bradley University. He commented that his overriding concern is the preservation of a little bit more green space. He suggested that they allow Mr. Zerla to reconfigure his design and stated that then it would become more of a win-win situation for all. He stated that the green space is highly important and commented that no one else would want 65% of their yard to be taken away.

Beth Akeson, Council Member, recognized the Commission as being volunteers and stated that it is a very important job. She also recognized the petitioner as an owner of older property and stated that she understands that it takes a tremendous financial commitment. She also recognized the people who came out to speak in regards to the case. She stated that she was present to speak in regards to environmental concerns. She commented that when we lose trees, in long term it could cause a storm

water run-off problem. She stated that although the decision is small in comparison, the City of Peoria is facing between \$100 to \$200 million dollars to resolve storm water run-off and sewer overflow problems. She stated that the trees on this particular property are work horses and are not just embellishments. She commented that they provide shade and stated that we as a City do not have enough awareness of the importance of trees. She asked the Commission to defer the case and to perhaps put in place stop gap measures until those who want to strengthen historic preservation in the community are able to work together.

Benjamin Machalek, Cody Court Resident, commented about the letter filed by 11 concerned tenants. He reported that the proposal is for 78 parking spaces and explained that currently there are 46 total parking spaces. He commented that was quite an increase in scale. He went on to say that the green space is very nice to have. He further stated that he did not believe that there should be a rush to increase the parking.

In summation, Mr. Zerla commented that so much of the information that was presented was not accurate. He reported that there is a possibility to put more trees near the green space between the building and the proposed new parking. He stated that right now it is a long way to walk from the garage to the building. He mentioned a letter that he received from a current tenant complaining regarding another tenant's boyfriend parking in their assigned spot in the garage. He explained that the reason he has maintenance equipment at certain spots at the end was because they are too small to be used by any vehicle. He referred to letters of support of his request from Moss Avenue neighbors and others. He reported that with his new plan, the Fire Department and emergency personnel will be able to get closer to the building. After more comments, he stated that he is a property owner and has property rights. He stated that he believes in putting his money where his mouth is. He went on to say that this was not a rushed decision and reported that he began talking to the Moss-Bradley Neighborhood Association back in December. He further stated that he knows the importance of keeping some trees and reiterated that there is a possibility that they can add more trees.

In discussion with Chairperson Powers regarding the width of the proposed parking lot, Mr. Zerla reported that it is 61 feet with a 24 foot aisle in the middle. After more comments, Ms. Smith explained the minimum requirements for a parking space.

There being no more public testimony, Chairperson Powers closed the public hearing.

During deliberations, Commissioner Smith commented that Mr. Zerla's next step would be to obtain a site plan and have an engineer to look at it. Ms. Smith clarified that the Site Plan Review Board would review the Site Plan and building permits would also have to be obtained.

After more comments, Commissioner Smith commented that as Mr. Zerla goes forward with his plans in terms of the scale there is going to be more complexity to it. He went on to say that he would also have to comply with the Land Development Code.

For clarification, Chairperson Powers stated that some of the items discussed were not applicable to the Historic Preservation Commission. Ms. Smith added that as part of the review by the Zoning of Appeals, the application went through the Site Plan Review Board process.

First Motion

Commissioner Pierz moved to approve Case No. HPC 11-19, per the submitted request; No second was heard.

The motion to approve failed on the floor.

Final Motion

After brief comments, Commissioner Masick moved to defer Case No. HPC 11-19, for 30-days; seconded by Commissioner Smith.

During more deliberations, Commissioner Pierz stated that based on what they have heard; ample time was given to residents and the neighborhood. He commented to just allow more discussion and nothing gets done does really no good. He went on to say that it is just a proposal and doesn't mean that it is set in stone. He further stated that he thinks there is a time sensitivity issue and stated that deferring the case only puts an additional hardship on the property owner.

Chairperson Powers asked the Commission specifically what they wanted to obtain from a deferral.

In response to Chairperson Powers' question, Commissioner Smith reported that he would like to see the next step in terms of a site plan detailing everything on the site, including the location of the trees and shrubs.

Commissioner Masick commented that he would like to see the petitioner compromise to save some of the trees.

As a point of clarification, Chairperson Powers pointed out that anything that was 8 inches in diameter was applicable to the Historic Preservation Ordinance.

During more comments and discussion, Commissioner Ruckriegel commented that the Commission knows that there is a need for additional parking, but stated there seems to be a disconnect on dialogue. He stated that he feels there could be some common ground for everyone who is invested in this. He stated he would support a deferral to allow time to come up with a logical plan and an alternative solution.

Chairperson Powers clarified that it is his understanding that the site plan needed to be more comprehensive and complete. He then asked if the Commission was also stating there needs to be a compromise to the overall size of the parking lot.

Commissioner Smith commented that the next step is for an engineered drawing. He then he stated that he would like to see an alternative in terms of the reduction of trees.

Commissioner Herold commented that he supports the deferral and stated that he is also concerned about the tree removal. He further commented that he did not know why after 100 years of being built, the parking lot in the front yard of this building needed to be four times bigger than it has been. He then asked if the parking could be added on the south side of the building.

Motion **APPROVED** by viva voce vote.

Yeas: Herold, Masick, Powers, Ruckriegel, Smith - 5;

Nays: Pierz - 1;

Abstention: None.

At approximately 10:33 a.m., Chairperson Powers called for a brief recess.

Commissioner Pierz left Council Chambers at approximately 10:35 a.m.

The Historic Preservation Commission reconvened at approximately 10:40 a.m.

REQUEST TO RECEIVE AND FILE:

- Report from Staff regarding Administrative Certificates of Appropriateness issued.
- Report from Staff regarding enforcement case status.

Motion

After brief comments, Commissioner Herold moved **to approve** the request to receive and file Staff Reports; seconded by Commissioner Ruckriegel.

Motion **APPROVED** by viva voce vote.

Yeas: Herold, Masick, Powers, Ruckriegel, Smith - 5;

Nays: None;

Abstention: None.

ELECTION OF OFFICERS

Commissioner Masick moved to nominate Robert Powers as the Chairperson of the Historic Preservation Commission; seconded by Commissioner Ruckriegel.

Commissioner Herold moved to nominate Geoff Smith as the Vice-Chair of the Historic Preservation Commission; seconded by Commissioner Masick.

Motions **APPROVED** by viva voce vote.

Yeas: Herold, Masick, Ruckriegel - 3;

Nays: None;

Abstention: Powers and Smith -2.

PUBLIC COMMENTS

Fulvio Zerla, expressed his concerns regarding the Commission's decision to defer his case. He stated that he has property rights and tenants do not have property rights. He mentioned the poor condition the building was in when he purchased it and stated that he has spent hundreds of thousands of dollars on this building. He mentioned how hard it was to obtain a variance and explained that none of his tenants spoke against it until one of them decided to get everyone else involved because of the trees. He commented that he tried to draw everything to scale and explained that his background is in engineering. He went on to say that if he has to spend \$20,000 in engineering costs that is \$20,000 less he will be able to put into the apartments. He further stated that they have looked at all possibilities for the parking lot. After more comments, he stated that he believes his property rights have been violated, especially when the Zoning Board of Appeals has recognized his hardship. He further stated that he is not out for profit; he is just trying to make the building viable.

Benjamin Machalek, commented that the lack of information was privy to a lot of the information he did not have before. He stated that he found the meeting very informative and they have found that the situation is a little more complicated than they originally thought. He explained that they just found out that all this green space was going to go away and that did not make sense to them. He went on to say that he was not present to speak against Mr. Zerla, he was just concerned about the green space.

ADJOURNMENT

The September 28, 2011 Historic Preservation Commission meeting adjourned at approximately 10:55 A.M.

Kimberly Smith, AICP, Senior Urban Planner

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