AGENDA

1. CALL TO ORDER

2. ROLL CALL

3. APPROVAL OF FEBRUARY 27, 2019 MINUTES

4. REGULAR BUSINESS
   Deliberations will be held at the end of each case after public comment has been closed. No public comment is allowed during deliberations.
   
   Case No.  
   HPC 19-04  
   Public hearing on the request of Thien Tam Buddhist Temple NFP, to obtain a Certificate of Appropriateness to allow for a landscaped garden, fence, statue, exterior lighting, and gazebo or water fountain, for the property located at 839 W. Moss Avenue (Parcel Identification No. 18-05-482-018), Peoria, IL (Council District 2).

5. NEW BUSINESS
   Discussion of Chapter 16 Historic Preservation Code – Designation Procedure
   Discussion on possible creation of Pictorial Architectural Index

6. CITIZENS' OPPORTUNITY TO ADDRESS THE COMMISSION

7. ADJOURNMENT

Inquiries: Community Development Department, (309) 494-8600 or kweick@peoriagov.org
**WELCOME!**

If you plan on speaking, please complete a Blue Speaker Form

For each case the following sequence will apply:

1. Chairperson proceeds with swearing in procedures
2. Chairperson announces the case
3. Staff enters case into the record
   a. Staff presents the case
   b. Staff answers questions from the Commission
4. Petitioner presents case and answers questions from the Commission
5. Chairperson opens the meeting to the public
6. Public comments – Chairperson may ask for response/input from staff and petitioner
7. Petitioner presents closing statements
8. Public testimony is closed (No further public comment)
9. Commission deliberates and may consult staff
10. Commission prepares findings, if applicable
11. Commission votes

All comments and questions must be directed to the Commission
The regularly scheduled meeting for the Historic Preservation Commission Meeting was held on Wednesday, February 27, 2019, at 8:30 a.m., City Hall, 419 Fulton Street, Room 400, with Chairperson Robert Powers presiding and with proper notice having been posted.

**ROLL CALL**

The following Historic Preservation Commission Commissioners were present: Deborah Dougherty, Jan Krouse, Lesley Matuszak, Geoff Smith, Michael Maloof, David Stotz and Chairperson Robert Powers – 7. Absent: None - 0.

Staff Present: Kerilyn Weick, Roberto Medina, Nick Ruzicka, and Megan Nguyen.

**MINUTES**

Commissioner Matuszak moved to approve the minutes of the regularly scheduled meeting held on October 24, 2018; seconded by Commissioner Maloof.

The motion was approved viva voce vote 7 to 0.

Commissioner Matuszak moved to approve the minutes of the regularly scheduled meeting opened and cancelled on January 23, 2019; seconded by Commissioner Maloof.

The motion was approved viva voce vote 7 to 0.

**SWEARING IN OF SPEAKERS**

Staff member, Megan Nguyen, swore in the public.

**REGULAR BUSINESS**

**CASE NO. HPC 19-01**

Public hearing on the request of Steve Fairbanks, to obtain a Certificate of Appropriateness to allow for the installation of windows, for the property located at 907 NE Glen Oak Avenue (Parcel Identification No. 18-04-280-011), Peoria, IL (Council District 3).

Urban Planner, Kerilyn Weick, Community Development Department, read Case No. HPC 19-01 into the record and presented the request as outlined in the memo.

Building Inspector, Roberto Medina, Community Development Department, stated a building permit is required for the scope of work.

Chairperson Powers opened the Public Hearing.

With no interest from the public to provide testimony, Chairperson Powers closed the hearing to public testimony.

**Motion:**

Commissioner Maloof made a motion to approve the request; seconded by Commissioner Dougherty.

**Discussion**

Chairperson Powers read the Findings of Fact for a Certificate of Appropriateness.

The motion was APPROVED by roll call vote 7 to 0.

Yeas: Dougherty, Krouse, Maloof, Matuszak, Stotz, Smith, Powers – 7

Nays: None.

**Recess**

Chairperson Powers called for recess to address a technical problem with the visual presentation, 8:53 a.m.

Chairperson Powers called the meeting back from recess, 9:00 a.m.
Urban Planner, Kerilyn Weick, Community Development Department, read Case No. HPC 19-02 into the record and presented the request as outlined in the memo. This case was first heard at the September 26, 2018 hearing. Ms. Weick stated the request meets the requirements for re-submittal of a denied request per the City of Peoria Historic Preservation code. Ms. Weick also stated a Certificate of Appropriateness is a valid means to approve requests for demolition in a historic district.

Commissioners discussed the merits of the application for re-submittal.

**Motion:**
Commissioner Stotz made a motion to accept for review the resubmitted application; seconded by Commissioner Krouse.

The motion was unanimously approved by roll call vote 7 to 0.

Chairperson Powers opened the Public Hearing.

Attorney Jack Teplitz, petitioner’s representation, provided a summary of the project and history of the neighborhood. Mr. Teplitz noted the subject property was not identified in the request to designate the Randolph-Roanoke Historic District and is a source of blight. In response to questions, Mr. Teplitz explained the lot would become green space and MCB Holdings recently acquired the property with the condition as is.

Todd Aman, petitioner, responded, the building and all debris would be removed from the property.

Leonard Schmillen, contractor, reviewed photos in the application and described the interior and exterior conditions of the dwelling. In response, Mr. Schmillen stated much of the cost for rehabilitation is due to labor, engineering would be needed prior to repairs, and there is a risk of building materials blowing off the structure.

Marcella Teplitz, Randolph Roanoke Residential Association, expressed support for the request, shared history of the neighborhood, summarized crime events prior to the petitioner’s ownership of the property, and expressed the request would result in a positive change for the neighborhood.

Vikki Hibberd, 101 NE Roanoke Avenue, expressed support for the request. Ms. Hibberd had concerns about the actions of tenants at the subject property, prior to the petitioner’s ownership of the property.

Mr. Teplitz closed by reviewing standards for a Certificate of Appropriateness.

With no further interest from the public to provide testimony, Chairperson Powers closed the hearing to public testimony.

**Recess**
Chairperson Powers called for a 10 minute recess, 10:00 am.
Chairperson Powers called the meeting back from recess, 10:10 am.

**Deliberation:**
The commission deliberated the suitability of a Certificate of Appropriateness for the subject request. The commission discussed differences between a Certificate of Economic Hardship and a Certificate of Appropriateness.

**Motion:**
Commissioner Maloof made a motion to approve the request; seconded by Commissioner Stotz.

**Discussion**
Chairperson Powers expressed concern for approving the request for a Certificate of Appropriateness. Chairperson Powers read the Findings of Fact for a Certificate of Appropriateness.

The motion was APPROVED by roll call vote 6 to 1.

Yeas: Dougherty, Krouse, Maloof, Matuszak, Stotz, Smith, –6
Nays: Powers - 1
CASE NO. HPC 18-16 (Continued from 10/24/18)
Public Hearing on the request of Sean Rennau, on behalf of John A. Jumer, to obtain a Certificate of Appropriateness for landscaping, hardscaping, and construction of a new accessory structure for the property located at 1808 W. Moss Ave. The request is made for the following: landscaped garden, reflecting pool, terracing which requires retaining walls, walls and stone staircases. Also, fencing in the side yards and in the yard along Martin Luther King Jr. Drive. The petitioner requests to construct a patio and an accessory storage structure which includes a fireplace. Also, a driveway entrance off Martin Luther King Jr. Dr. and an underground rainwater cistern. The scope requires clearing of shade trees. The petitioner proposes to plant native trees and shrubs. All alterations are proposed for the property located at 1808 W. Moss Ave. (Parcel Identification No.18-08-156-002), Peoria, IL (Council District 2).

Urban Planner, Kerilyn Weick, Community Development Department, read Case No. HPC 18-16 into the record and presented the request as outlined in the memo.

Chairperson Powers opened the Public Hearing.

Attorney Mike Seghetti, petitioner’s representation, summarized previous improvements to the property, explained the plans for security measures along Martin Luther King Jr. Drive and a vegetation plan. Mr. Seghetti described the waivers for wall height is for consistency. Mr. Seghetti reviewed all standards for a Certificate of Appropriateness. In response to commissioners, Mr. Seghetti affirmed erosion control measures would be required and followed, and adjacent neighbors had not expressed objection to this request.

Sean Rennau, petitioner, responded to the commission that construction would begin within 12 months of approval.

Aaron Amstutz, 1812 W. Moss Avenue, expressed support for the new driveway.

Mycah Amstutz, 1812 W. Moss Avenue, requested the applicant clarify the reason for the wall waiver.

Mr. Seghetti, clarified the height of walls for this request as opposed to walls approved in earlier requests made to the commission.

Deliberation:
Commissioner Matuszak complimented the project and requested the petitioner proceed in a manner that respects neighbors on both sides of the property.

Commissioner Smith and Chairperson Powers complimented the project.

Commissioner Dougherty questioned if a restriction could be imposed to require maintenance on adjacent properties. The commission discussed restrictions could not be placed on adjacent property.

Motion:
Commissioner Matuszak made a motion to approve the request; seconded by Commissioner Krouse.

Discussion
Chairperson Powers read the Findings of Fact for a Certificate of Appropriateness.

The motion was APPROVED by roll call vote 7 to 0.

Yeas: Dougherty, Krouse, Maloof, Matuszak, Stotz, Smith, Powers –7
Nays: None.

Commissioners Smith and Stotz excused themselves from the meeting.

CASE NO. HPC 19-03
Public hearing on the request of Aaron and Mycah Amstutz, to obtain a Certificate of Appropriateness to allow window and door alterations in order to relocate a front entrance to the side for the dwelling located at 1812 W. Moss Avenue (Parcel Identification No. 18-08-156-001), Peoria, IL (Council District 2).

Urban Planner, Kerilyn Weick, Community Development Department, read Case No. HPC 18-16 into the record as outlined in the memo.
Chairperson Powers opened the Public Hearing.

Aaron Amstutz, petitioner, summarized the request.

Sean Rennau, representative for 1808 W. Moss Ave, expressed support for the request.

With no further interest from the public to provide testimony, Chairperson Powers closed the hearing to public testimony.

**Deliberation:**
Commissioner Dougherty and Chairperson Powers complimented the petitioner on the request.

**Motion:**
Commissioner Dougherty moved to approve the request; seconded by Commissioner Maloof.

The motion was **APPROVED** by roll call vote 5 to 0.

Yeas: Dougherty, Krouse, Maloof, Matuszak, Powers – 5

Nays: None.

**CITIZENS’ OPPORTUNITY TO ADDRESS THE COMMISSION**

Mycah Amstutz commented on the height of existing stone walls at 1808 W. Moss Avenue.

Chairperson Powers requested the next regular scheduled meeting include two agenda items: the Historic Preservation Ordinance designation process and a Pictorial Index Guide.

Kerilyn Weick shared each commissioner received, today, a hard copy of the updated commissioner contact list and that the list is also available on the City's website.

**ADJOURNMENT**

Commissioner Matuszak moved to adjourn the Historic Preservation Commission Meeting; seconded by Commissioner Maloof.

The motion was approved viva voce vote 5 to 0.

The Historic Preservation Commission Meeting adjourned at approximately 11:40 a.m.

Kerilyn Weick, Urban Planner
TO: Historic Preservation Commission

FROM: Kerilyn Weick, Urban Planner

DATE: March 27, 2019

RE: HPC CASE NO. 19-04: Public hearing on the request of Thien Tam Buddhist Temple NFP, to obtain a Certificate of Appropriateness to allow for a landscaped garden, fence, statue, exterior lighting, and gazebo or water fountain, for the property located at 839 W. Moss Avenue (Parcel Identification No. 18-05-482-018), Peoria, IL (Council District 2).

NOTIFICATION:
Mailed notification was provided to surrounding property owners within 250 radial feet of the subject site and no less than 15 days prior to the review.

REQUEST SUMMARY:
The applicant requests a Certificate of Appropriateness to allow for front yard alterations on the Moss Avenue side of the property at 839 W. Moss Avenue. Only part of the property is in the local Moss-High Historic District. The proposed alterations are inside the boundaries of the historic district. Only alterations or improvements for the portion of the property that falls within the local historic district must obtain a Certificate of Appropriateness as required by Chapter 16 of the City Code.

Please refer to the attached application for more detailed information on the proposal. Part of the request is to allow for a gazebo. The petitioner asks that the Certificate of Appropriateness allows the petitioner the option to install a water fountain instead of a gazebo. The chain link fence that borders the proposed alterations must be removed.

DISCUSSION:
The Commission should consider the criteria in Historic Preservation Ordinance Section 16-64, when determining if the proposed work is compatible and appropriate.

OPTIONS:
 Approve the application as requested.
 Modify and grant the application.
 Deny the application.

If denied, the petitioner will not be able to submit an application for the same improvements until it is modified to fit the Commission’s requests, or a period of 1 year has elapsed.
Disclaimer: Data is provided 'as is' without warranty or any representation of accuracy, timeliness or completeness. The burden for determining fitness for, or the appropriateness for use, rests solely on the requester. The requester acknowledges and accepts the limitations of the Data, including the fact that the Data is in a constant state of maintenance. This website is NOT intended to be used for legal litigation or boundary disputes and is informational only. -Peoria County GIS Division
Historic District 839 W. Moss Ave

Disclaimer: Data is provided ‘as is’ without warranty or any representation of accuracy, timeliness or completeness. The burden for determining fitness for, or the appropriateness for use, rests solely on the requester. The requester acknowledges and accepts the limitations of the Data, including the fact that the Data is in a constant state of maintenance. This website is NOT intended to be used for legal litigation or boundary disputes and is informational only. -Peoria County GIS Division

1 inch = 100 feet

County of Peoria, Tri-County Regional Planning Commission, Kucera International, Inc.
Peoria County, IL, HERE, USGS
Disclaimer: Data is provided 'as is' without warranty or any representation of accuracy, timeliness or completeness. The burden for determining fitness for, or the appropriateness for use, rests solely on the requester. The requester acknowledges and accepts the limitations of the Data, including the fact that the Data is in a constant state of maintenance. This website is NOT intended to be used for legal litigation or boundary disputes and is informational only. -Peoria County GIS Division
Certificate of Appropriateness Application
Historic Preservation Commission

Property Information: (The property the work will be performed on)
Address: 839 W. MOSS AVE Zip Code: 61606
Tax ID Number: 1-805-482-018 Architectural Style: 

Applicant: (The person/organization applying.)
Name: Phung Trai
Company/Neighborhood Association:
Address: 2903 N. University
City: Peoria State: IL ZIP: 61604
Daytime Phone: (309) 472-5128 Email: 
Applicant Signature: Date: 3-5-19

Owner: (Skip this section if the applicant and owner information is the same)
Name: Thien Tam Buddhist Temple NFP
Company/Neighborhood Association:
Address:
City: State: ZIP: 
Daytime Phone: Email: 
Owner Signature: Date: 

Contractor Information: (If available, not required)
Name: J W's Remodeling - John Wall
Company/Neighborhood Association:
Address: 101 ORMOND ST
City: Glendale State: IL ZIP: 61532
Daytime Phone: (309) 208-8629 Email: 

1 of 3
Certificate of Appropriateness Application
Historic Preservation Commission

Property Information: (The property the work will be performed on)
Address: 839 W. Moss Ave, Peoria IL Zip Code 61606
Tax ID Number: 18-05-482-018 Architectural Style: ____________________________

Applicant: (The person/organization applying.)
Name: THIEN TAM TEMPLE, NFP
Company/Neighborhood Association: ____________________________
Address: 839 W. Moss
City: Peoria State: IL ZIP: 61606
Daytime Phone: (309) 672-5128 Email: ____________________________
Applicant Signature: ____________________________ Date: ____________________________

Owner: (Skip this section if the applicant and owner information is the same)
Name: Dick L. Williams
Company/Neighborhood Association: ____________________________
Address: 139 E. Washington St
City: Peoria State: IL ZIP: 61611
Daytime Phone: (209) 694-3196 Email: ____________________________
Owner Signature: ____________________________ Date: 3/11/19

Contractor Information: (If available, not required)
Name: ____________________________
Company/Neighborhood Association: ____________________________
Address: ____________________________
City: ____________________________ State: ____________________________ ZIP: ____________________________
Daytime Phone: ____________________________ Email: ____________________________
Project Description:

Provide a detailed description of the work to be done. Include material types, colors, style, and methods of construction. If the work involves removal of material or structure, indicate how the historical value and visual quality of the structure will be retained and ensure the integrity of the landmark or district. You may attach separate sheets if desired.

Narrative of proposed work:

Proposed Zen Garden

Objective: Improve the looks and aesthetics of the property and Moss Ave by creating a green Zen Garden

Where: South East corner of Property

Size: 40' deep by 110' wide

How: By removing the asphalt and the chain link fence facing Moss Ave making the entire area a space green

Featuring: The statue of Quan Yin, the Goddess of Compassion in the center of the garden plus; a water fountain, gazebo, ornamental trees, shrubs, plants, special lighting, two rock gardens (one with a walk over bridge) and lots of grass
Proposed Zen Garden, facing Moss Ave., located on the South East corner of property at The Thien Tam Temple.
Custom Metal Fence 28” - 30” high
PROPOSED BUDDHA STATUE IN THE NEW ZEN GARDEN

AT THIEN TAM TEMPLE, PEORIA, IL
Temple may use this type of above ground water fountain instead of a gazebo if budget allows. This fountain can be 6'-8' high, 12' wide.
CUTOUT 110'x40' or 4400 sq ft of Blacktop
Dig out gravel base to soil
Pour 8'x4' flagstone patio where statue sets
Lay stone wall with concrete cap 36" high
Pour a 20'x20' x 4" stamp concrete slab
Pour a 2'x30' entrance stamped
Run conduit and Pour 24x24 light post
Pour a 4x6' rock garden fill with gravel
Plant approx 2300 sq ft of Roxwood shrubs with mulch bed
Plant decorative trees and bushes (Japanese maple or equivalent)
Haul in Fresh Fill as needed
Create a stone walkway to statue
Run water from main building for split
Run power in conduit from main box to light sockets
Install water feature

Fertilize Plant grass

Future Gazebo

Roxwood Border with mulch bed

JW's Remodeling
John Wall
101 Bonon St., PO Box 446
Stanford IL 61361

839 W. Moss Ave
Temple Garden Pete Mitch
### CORPORATION FILE DETAIL REPORT

<table>
<thead>
<tr>
<th><strong>File Number</strong></th>
<th>70364328</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Entity Name</strong></td>
<td>THIEN TAM BUDDHIST TEMPLE, NFP</td>
</tr>
<tr>
<td><strong>Status</strong></td>
<td>ACTIVE</td>
</tr>
<tr>
<td><strong>Entity Type</strong></td>
<td>CORPORATION</td>
</tr>
<tr>
<td><strong>Type of Corp</strong></td>
<td>NOT-FOR-PROFIT</td>
</tr>
<tr>
<td><strong>Incorporation Date</strong></td>
<td>09/18/2015</td>
</tr>
<tr>
<td><strong>State</strong></td>
<td>ILLINOIS</td>
</tr>
<tr>
<td><strong>Agent Name</strong></td>
<td>DICK L. WILLIAMS</td>
</tr>
<tr>
<td><strong>Agent Change Date</strong></td>
<td>09/18/2015</td>
</tr>
<tr>
<td><strong>Agent Street Address</strong></td>
<td>139 E WASHINGTON ST</td>
</tr>
<tr>
<td><strong>President Name &amp; Address</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Agent City</strong></td>
<td>EAST PEORIA</td>
</tr>
<tr>
<td><strong>Secretary Name &amp; Address</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Agent Zip</strong></td>
<td>61611</td>
</tr>
<tr>
<td><strong>Duration Date</strong></td>
<td>PERPETUAL</td>
</tr>
<tr>
<td><strong>Annual Report Filing Date</strong></td>
<td>08/27/2018</td>
</tr>
<tr>
<td><strong>For Year</strong></td>
<td>2018</td>
</tr>
<tr>
<td><strong>Old Corp Name</strong></td>
<td>11/10/2015 - THIEN TAM BUDDIST TEMPLE, NFP</td>
</tr>
</tbody>
</table>

**Return to the Search Screen**

*(One Certificate per Transaction)*

**OTHER SERVICES**

- File Annual Report
- Adopting Assumed Name
- Change of Registered Agent and/or Registered Office Address

**BACK TO CYBERDRIVEILLINOIS.COM HOME PAGE**
TO: Historic Preservation Commission
FROM: Kerilyn Gallagher, Urban Planner
DATE: March 27, 2019
RE: NEW BUSINESS
   Discussion of Chapter 16 Historic Preservation Code – Designation Procedure
   Discussion on possible creation of Pictorial Architectural Index

DISCUSSION:
At the request of Chairperson Powers, the following topics for discussion are scheduled for the March 27, 2019 Historic Preservation Commission hearing.

   Discussion of Chapter 16 Historic Preservation Code – Designation Procedure (ordinance attached)
   Discussion on possible creation of Pictorial Architectural Index (Survey)
(a) Application. The commission, by a majority vote of all members, or any person may apply for a landmark or historical district designation for property and improvements located within the corporate limits of the city.

Prior to application submission, the applicant must forward by regular mail, a letter notifying the owner of intent to submit an application for local historic designation.

Applications shall be filed with the director of planning and growth management on forms provided by the commission. The application shall include or be accompanied by the following:

1. The name and address, as shown on the tax assessor's rolls, of the owner of the property proposed for designation.
2. The legal description and common street address of the property proposed for designation.
3. A map delineating the boundaries and location of the property proposed for designation.
4. A written statement describing the property and setting forth reasons in support of the designation proposed.
5. Written statement indicating when and how the owner was notified of the proposed designation, and whether or not the owner consents to the proposed designation.
6. Notarized statement from the applicant specifically stating that the required notification letter was sent to the owner.
7. Initialed checklist to show that all items have been completed, including the pre-application requirements listed above.
8. Such other information as may be required by the commission.

(b) Owner consent. The commission shall only consider for landmark designation properties whose owner or owners of record have responded to the application by submitting to the commission a letter of consent approving the designation of the property as a historic landmark. If such owner or owners do not consent to designation, the commission shall take no further action with respect to such property (and shall not recommend landmark designation to the city council). The commission shall only consider designation of a historic district if at least two-thirds of the owners of property in the area to be designated have responded to the application by submitting to the commission a letter of consent approving the designation of their property as part of a historic district. If two-thirds of the owners of record consent to the proposed designation of a historic district, the commission may proceed with designation. No property or structure that is owned by a religious organization and is used primarily as a place for the conduct of religious ceremonies or to further the religious mission or business of the owner shall be subject to the regulations set forth in Articles I through IV of this chapter by reason of its location within a historic district.

(c) Public hearing and decision. A public hearing shall be scheduled to be held within the longer of the next 45 days or the next meeting after the filing date.

1. The director of planning and growth management shall notify the applicant and owner of the subject property as to the date, time, place and purpose of the public hearing. Such notice shall be in writing and shall be sent not less than 15 days in advance of such hearing by certified mail, properly addressed as shown on the tax assessor's rolls and with sufficient postage affixed thereto. Failure to send such notice where no address appears on the tax assessor's roll shall not invalidate the proceedings of the commission.

2. The director shall also publish a notice in a newspaper of general circulation in the city describing the property proposed for designation and setting forth the date, time, place and purpose of the hearing. A copy shall also be posted on the subject property. The hearing may be continued from time to time without further notice.
(3) The applicant shall produce at the time of the hearing such information as the commission may require, including, but not limited to, the following:

a. All information required with the application.

b. A visual presentation of the significant improvements on the subject property, together with information as to the age, condition and use of each.

c. Proposals for preservation and enhancement of the property proposed for designation.

(4) The applicant and the owners of the subject property shall be entitled to speak at the public hearing, and the commission may accept comments from all other interested parties. The owners and all other interested parties shall also be permitted limited rights of cross-examination, as facilitated through the commission. The commission shall review and evaluate all available information according to the applicable standards set forth in Articles I through IV of this chapter. A record of the proceedings shall be made and retained as a public record.

(5) The commission shall grant, deny or modify the requested designation within 30 days after the public hearing; provided, however, that the commission may not modify a designation to extend beyond the property described in the application unless a new application is filed and the procedure repeated.

(6) The commission's decision shall be in writing and shall include findings of fact in support thereof. The commission shall forward copies of the decision to the applicant and the owner of the subject property.

(7) A decision by the commission denying a designation shall be the final administrative decision. No application relating to the same property may be filed during the 12 months following such a denial by the commission. The commission shall have the discretion, on its own motion or upon petition by an affected property owner, to extend the prohibition on applications for the same property for an additional 12 months if the commission finds re-nomination would cause economic hardship to the property owner. Provided, however, that in the case of an application to designate a historic district, if the commission modifies the application by excluding certain property or properties but grants the application to other properties, then the entire application shall proceed to the city council for final action, where the council may modify the commission's recommendation by including property or properties excluded by the commission.

(8) A decision by the commission recommending a designation shall operate as a recommendation to the city council, which shall take the final action. In the event that the city council denies a designation, no application related to the same property may be filed during the 12 months following such denial by the city council.

(d) Regulation during consideration period. From the date of filing an application until the date of a final decision by the commission, or if the commission recommends the designation, until the date of a final decision by the city council, the provisions of section 16-61 shall apply as if the subject property were designated as requested; provided, however, that this interim control shall in no case apply for more than 180 days after the application is filed. Once the area is designated as a historic district or a landmark, it shall comply with all the regulations set forth in Articles I through IV of this chapter.

(e) Historic district designations. Any historic districts previously designated by ordinance are hereby designated as historic districts under the provisions of Articles I through IV of this chapter.

(f) Landmark or historic district status recorded with deed. Upon approval of the ordinance, the director of planning and growth management shall immediately file a certified copy of such ordinance designating a landmark or creating a historic district with the county recorder of deeds.

(g) Delisting of landmarked properties. An applicant may submit an application to remove a local historic designation. The same process shall be followed as that which is required to designate a property, except that: The application shall include an explanation of how the criteria originally used to designate the property no longer applies.

(Ord. No. 11990, § 1, 8-15-89; Ord. No. 13551, § 1, 4-6-93; Ord. No. 13870, §§ 1, 2, 1-24-95; Ord. No. 15357, § 1, 8-27-02; Ord. No. 15557, § 1, 12-9-03; Ord. No. 16665, § 1, 2-8-11)