Passed 8-0
Banach Absent

ORDINANCE 00-27

TO AMEND TITLE 8 OF THE BLOOMINGTON MUNICIPAL CODE, ENTITLED "HISTORIC PRESERVATION AND PROTECTION " TO ESTABLISH A HISTORIC DISTRICT
Re: The Von Lee Theater at 517 East Kirkwood
(The Bloomington Historic Preservation Commission, Petitioner)

WHEREAS, the Common Council adopted Ordinance 95-20, which created a Historic Preservation Commission and established procedures for designating historic districts in the City of Bloomington; and

WHEREAS, pursuant to those procedures, the Historic Preservation Commission held a public hearing on November 11, 1999 for the purpose of allowing discussion and public comment on the proposed historic district designation of the Von Lee Theater located at 517 East Kirkwood also known as:

Lot Number 23 in Dunn's Addition, in the City of Bloomington Indiana; and

WHEREAS, at the June 20, 2000 special meeting the Historic Preservation Commission found that the building has historic and architectural significance that merits the protection of the property as a historic district; and

WHEREAS, at that time the Commission also imposed an interim order of protection for said property; and

WHEREAS, the Commission has prepared a map and written report, which accompanies the map and validates the proposed district by addressing the criteria outlined in BMC 8.08.10; and

WHEREAS, the Commission has submitted said map and written report to the Common Council and has recommended local historic designation of the buildings located at 517 East Kirkwood;

NOW THEREFORE, BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA. THAT:

SECTION I. The map setting forth the proposed historic district for the property located at 517 East Kirkwood Street, which is attached and made a part of this ordinance, is hereby accepted by the Common Council, and the Von Lee Theater historic district is hereby established. The legal description of this property is further described as:

Lot #23 in Dunn's Addition to the City of Bloomington

SECTION II. The building at 517 East Kirkwood is classified as "Outstanding."

SECTION III. Chapter 8.20 of the Bloomington Municipal Code, entitled A List of Designated Historic Districts shall be amended to include The Von Lee Theater Historic District and the entry shall read as follows:

The Von Lee Theater building 517 East Kirkwood.

SECTION IV. If any section, sentence, or provision of this ordinance, or the application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION V. This ordinance shall be in full force and effect from and after its passage by the Common Council of the City of Bloomington and approval of the Mayor.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 19th day of July, 2000.

TIMOTHY MAYER, President
Bloomington Common Council

ATTEST:

Regina Moore, Clerk
City of Bloomington

PRESENTED by me to Mayor of the City of Bloomington, Monroe County, Indiana, upon this 20th day of July, 2000.

Regina Moore, Clerk
City of Bloomington

SIGNED AND APPROVED by me upon this 20th day of July, 2000.

JOHN FERNANDEZ, Mayor
City of Bloomington

SYNOPSIS

This ordinance amends the List of Designated Historic Districts in the City of Bloomington to include "The Von Lee Theater" located at 517 East Kirkwood Avenue. The Bloomington Historic Preservation Commission has recommended this designation based upon the historic and architectural worthiness of this building and has rated the property as "Outstanding." In making this designation the Commission considered the importance of the architect, John Nichols, and his use of the Spanish Colonial Revival style in designing the theater. The Commission also found the Von Lee significant as the only remaining landmark cinema in the downtown and as a cultural resource for the urbanized area of the community. Once the property is so designated, it will be regulated by the provisions of Title 8 of the Bloomington Municipal Code, entitled "Historic Preservation and Protection, " which preserve property and require the review of modifications that affect areas that are seen from the public way.

Signed Copies to:
HAND
Historic Preservation Commission
Legal (5)
CONTROLLER
MC Auditor
MC Assessor
MC Recorder
Kersotes Indiana Theater

Memorandum

To: Common Council

From: N. Hiestand

Date: 06/22/00

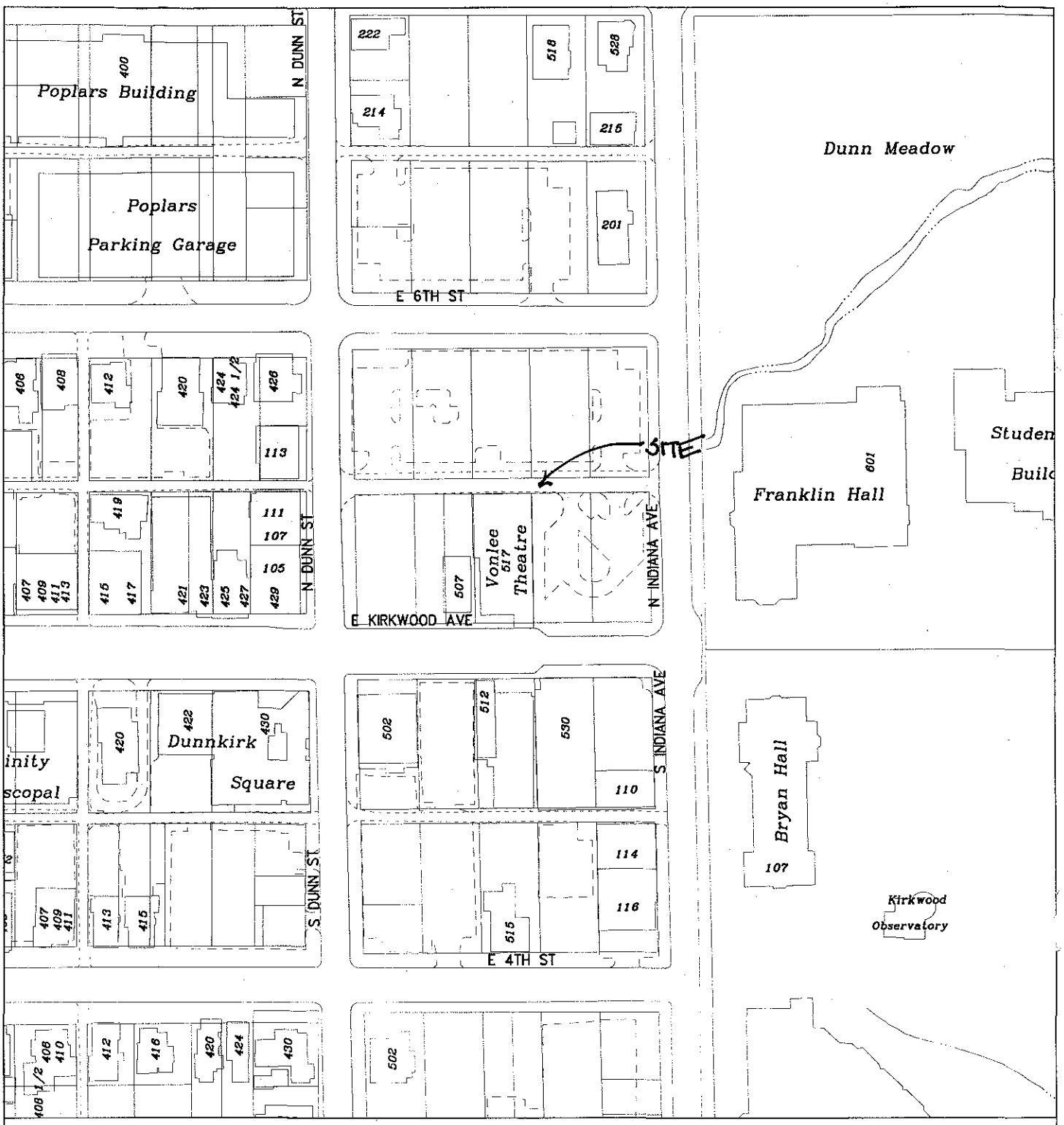
RE: HD-3-00
The Von Lee Theater
517 East Kirkwood

The Bloomington Historic Preservation Commission has recommended designation of the Von Lee Theater, in response to uncertainty surrounding the future of the building. The theater recently announced its closing for an undetermined time. Concern for the building was also expressed by the mayor in his June 6th letter to Commissioners.

Cited in both the 1977 and 1986 *Inventory of Historic Sites and Structures*, the Von Lee was originally designed as a theater by John Nichols and opened in 1929 as "The Ritz" theater. After being used as a grocery during the Depression, the theater was returned to use by the Vonderschmidt family, who developed an identity for the film venue by creating a regional screening location for foreign films. Since that time, a modern addition has replaced the west side of the original theater building. The Von Lee was the last theater in the downtown still showing film.

In the past year, the neon sign that rose above the canopy and the chasing lights skirting it have been removed. Repair of damage caused by two traffic accidents began the second week in June. At the time of this report, (June 22) the work has halted and remains incomplete.

The Commission first became concerned about the theater in May of 1999 At the time, staff was asked to research the building's architectural significance. This concern was precipitated by the removal of the neon Von Lee sign. Discussions between the Commission and representatives of the Kerasotes Theaters took place in February and March of this year, after the marquee was damaged. As late as May, Commissioners were satisfied that the owner had plans to reinvest in the theater. With the sudden closing, the Commission decided that the building was truly at risk and resolved to insure its preservation.



HD-3-00

The Von Lee Theater

517 East Kirkwood

By: hiestann

22 Jun 00

150 0 150 300 450

N

City of Bloomington

Scale: 1" = 150'

For reference only; map information NOT warranted.

The Von Lee Theater
517 East Kirkwood
Owner: Kerasotes Indiana Theaters

Staff Report **Bloomington Historic Preservation Commission**

(1) Historic:

a. Has significant character, interest, or value as part of the development, heritage, or cultural characteristics of the city, state, or nation; or is associated with a person who played a significant role in local, state, or national history; or

b. Is the site of an historic event; or

c. Exemplifies the cultural, political, economic, social, or historic heritage of the community.

(2) Architecturally worthy:

a. Embodies distinguishing characteristics of an architectural or engineering type; or

b. Is the work of a designer whose individual work has significantly influenced the development of the community; or

c. Is the work of a designer of such prominence that such work gains its value from the designer's reputation; or

d. Contains elements of design, detail, materials, or craftsmanship which represent a significant innovation; or

e. Contains any architectural style, detail, or other element in danger of being lost; or

f. Owing to its unique location or physical characteristics, represents an established and familiar visual feature of a neighborhood or the city; or

g. Exemplifies the built environment in an era of history characterized by a distinctive architectural style.

In response to the closing of the Von Lee Theater and the current uncertainty about its viability as a cinema venue, The Bloomington Historic Preservation Commission will consider local designation in order to insure the integrity of the structure and its preservation through time. If the Commission enacts interim protection, the owner is placed on notice that any demolition request or exterior change must be passed through the Commission until the Common Council action upon the ordinance for local designation.

The Von Lee Theater, located at 517 East Kirkwood has formed the eastern anchor of the Kirkwood corridor since the late twenties. Its proximity to the historic Old Crescent area of the Indiana University campus helped establish it as a landmark in its own right. Built as a theater in 1928, it was originally named "The Ritz," a name that was shared with a nearby barbershop. Its original construction was financed by a group of businessmen headed by Milton Wells, whose

house was assimilated into the theater's design, according to a 1966 Herald Times article. The initial use was quickly vacated in 1929, probably a casualty of the financial panic of the times. In 1930 it was converted into a grocery store named "Peterson's Market." It remained a grocery until 1948 when the Vonderschmidt family reverted the building to cinema use and renamed it, the Von Lee. Art Clark served as manager for both the Von Lee and the Indiana Theater (Buskirk Chumley). He retired in 1976. The Von Lee obtained its greatest renown as an "art theater" showing foreign films. Summer film festivals, headed by Dean Robert Richey, were held in conjunction with Indiana University. In 1976 the Kerasotes family purchased the theater and it continued to show "art films" for a short time. Gradually the bookings became more commercial, but the theater still screens films selected from the "indie" film movement. During its most recent ownership, the Von Lee was modified to a multiplex format with three separate theaters and new rest rooms. Some important interior details remain, including figurative plaster corbels located in the lobby.

Older (1983) photographs show an adjacent building which shared tile roof, transoms and bracketed cornice work compatible with the existing building. The concrete block west addition contains space for a screening area. Interior remodeling has occurred as well, although plaster ornaments within the lobby area may be original to the building.

The Von Lee Theater was designed by John Nichols (1859-1929), according to the National Register nomination written for the Princess Theater. Nichols was Bloomington's first and only local architect in the early twentieth century. The Von Lee is one of two theater designs completed by Nichols in the Bloomington area, including the now demolished Harris Grand Opera House. It becomes the only extant example of a Nichols' theater design. Nichols' design is an eclectic interpretation of the Spanish Colonial Revival style, a style that has numerous examples in Bloomington commercial buildings built from 1910 to the late 1920's. Some of these are located along Indiana Avenue, adjacent to the Indiana University campus (110 South Indiana, The Gables 114 South Indiana). The Indiana Theater (112 East Kirkwood), The Perennial Design Store (120 North Walnut) and the building at 108-110 East Sixth Street in the Courthouse Square Historic District also exhibit the Mission or Spanish style.

As an contributing element in its setting, the red clay tile roof on the Von Lee Theater complements the thematic use of tile in the Indiana University Old Crescent Historic District which is directly in view along the Kirkwood corridor looking east.

The building consists of a brick entry, with lobby and screening area, arranged along a horizontal axis. A concrete block addition affixed to its west side. The original building contains three stepped roof systems: a hipped roof over the entrance, a flat composition roof over the lobby and a steel truss bow string roof over the screening area. The circa 1979 addition on the west side of the building is veneered with a corrugated concrete panels.

The portico and lobby are roofed with convex rounded clay tiles. The front gabled portico is supported by round iron girders decorated with wrought iron curvilinear brackets. The soffits are lined with chasing lights. Other lights are placed under the brick patterning on the façade.

The underside of the roof is timbered and the gable is half timbered. Above the entrance doors, a segmental arched marquee is framed by dressed limestone.

Along the sides and front of the building, header course panels with limestone corner pieces punctuate the common bond brickwork. A stepped parapet wall on the east and west sides masks a bow string truss roof covering the screening area. Limestone knee walls and capstones add interest to the rather plain design on the east side of the building.

Although the Von Lee shows a lack of maintenance, it remains a high profile and familiar landmark. As the only example of a Nichols designed theater, it is an important architectural asset. It's proximity to the campus, and its pioneering history as cultural force in Bloomington, make it an example of a successful linkage between town and gown, worthy of preservation.

RECOMMENDATION

Staff recommends approval. Staff recommends that interim protection be placed upon the structure until such time that Common Council acts upon the designation. According to the rules and procedures of this Commission, the owner will be notified of this provision by a letter postmarked no later than 48 hours after this hearing.

From the Rules of the Bloomington Historic Preservation Commission:

E. The Commission may declare that a district be placed under interim protection until the action of Common Council.

1. After declaring interim protection, staff shall notify the owner by certified mail, to be postmarked no later than two days after the hearing at which the action was taken.

2. The written notice shall include the appropriate ordinance citation, a description of the restrictions that apply to the property and advise the owner that the restrictions are temporary until the action of Common Council.

3. The owner may apply for a certificate of appropriateness during interim protection but it will be void unless the district is approved by Common Council. The Commission and owner may use this process to come to an agreement on proposals for the building's future use and disposition.