

**LAWRENCE HISTORIC RESOURCES COMMISSION
ACTION SUMMARY OCTOBER 23, 2003
CITY COMMISSION ROOM, CITY HALL, 6 E. 6TH STREET
7:00 P.M.**

PRESENT: Commissioners McKenzie, Lodwick, Messick, Dean, Stuewe, Hickam, and Marvin
Staff members Linda Finger, Lynne Zollner and Amy Saker

ITEM NO. 1 ACTION SUMMARY

Two changes were requested to the September Action Summary.

Motioned by Comm. Messick, seconded by Comm. Marvin to approve the minutes of the September 18, 2003 meeting as revised.

Motion carried unanimously, 7-0.

ITEM NO. 2 CORRESPONDENCE

ITEM NO. 3: Preliminary Discussion of the Horizon 2020 Preservation Plan Draft

STAFF PRESENTATION

Mr. Dyer said the process had begun 2 years ago when the City received a Grant to update the Comprehensive Plan, including the Historic Preservation Element. He had only been involved in the end of the process, following the resignation of former Historic Planner Dennis Enslinger.

Earlier steps in the creation of the Historic Preservation Element had included:

- 3 workshops dealing with Preservation Planning
- Creation of a task force to deal with, prioritize, and refine a base set of goals and implementation strategies
- Several steering committee meetings
- Discussion of the rural component overall

Mr. Dyer explained that two complementary documents were involved. The Historic Preservation Plan was the larger document, containing detailed information about Preservation goals and priorities. The Executive Summary of the Historic Preservation Element was a smaller, less detailed document that would be incorporated in to the City's Comprehensive Plan, *Horizon 2020* through recommendation by the Planning Commission and action by the City and County Commissions.

After adoption, the two documents would be used by Staff and review/governing bodies when considering projects impacting historic properties.

It was suggested that the Commission's comments should be directed to the Executive Summary, but care should be taken to maintain continuity between the two documents. If the Commission felt it was necessary, changes could also be made to the Preservation Plan, since there was no time limit for adoption.

The Commission discussed allowing public comment during their consideration of the two documents, with Staff noting that the public would be allowed to comment at both the Planning and City Commission levels.

Comm. Dean had been on the steering committee and said extensive effort had been made to gather community input during the series of public workshops. The document was also available online for public review.

The Commission discussed dates and times to schedule two additional meetings, one for a "work session" and one to finalize. Both of these meetings would be open to the public but no comment would be taken.

Staff agreed to look for a Study Session date.

ITEM NO. 4: DR-09-66-03: 923 Rhode Island; Exterior Modifications; Certificate of Appropriateness and Certified Local Government Review. Submitted by Andrew Peterson, property owner of record. The property is in the environs of the Shalor Eldridge Residence (945 Rhode Island), Kansas and Lawrence Registers of Historic Places, the Social Service League (905-07 Rhode Island), the McFarland House (940 Rhode Island), and the Hendry House (941 Rhode Island), Lawrence Register of Historic Places.

APPLICANT PRESENTATION

Andrew Peterson, property owner, explained that repairs necessitated by water damage had led to a large scale interior renovation project. Mr. Peterson said the Staff Report provided a good explanation of the proposed changes, with the exception that one elevation was incorrectly labeled as the south wall when it was actually the west.

It was clarified that one room was being split to better utilize the space, necessitating relocation of an outer door.

Mr. Peterson had come prepared with the documentation listed in the Staff Report as recommended conditions of approval.

The applicant was asked to explain the motivation behind his request for a glass block window on the west elevation, since this element was not historically accurate. Mr. Peterson explained the orientation of that room's (a bathroom) only window did not allow adequate sunlight. A non-transparent material was needed because the window opened into the shower, but curtaining would block lighting as well. Likewise, opaque glass would not allow adequate light to the interior, which was long and narrow.

Comm. Lodwick pointed out another project in which this specific design element had not been allowed.

Mr. Peterson noted the elevation in question faced the Arts Center, a building that was in no way historically appropriate. The Commission discussed the Arts Center's impact on the area and the tendency to use this "intrusion" as a basis for applying less stringent standards to nearby properties.

Mr. Peterson said, admitting it was at cross-purposes to his request, that he objected to "lowering the standard" based on existing encroachment.

It was discussed that the glass block would be no more or less easily reversible than any other window modification that would require cutting into the existing frames.

It was established that the applicant intended to reuse the existing glass from the glass block window to replace a broken pane in a different location. He also proposed matching the new window casing and trim to the existing.

PUBLIC COMMENT

No member of the public spoke on this Item.

COMMISSION DISCUSSION

It was discussed that the proposed changes would not affect the elements listed as the structure's contributing factors.

It was suggested that the community made a decision to allow drastic changes to the historic environment when the Arts Center was created, but that this did not necessarily mean the Commission should accept this as a precedent for future (current) proposals.

ACTIONS TAKEN

Motioned by Comm. Dean, seconded by Comm. Stuewe to approve the Certified Local Government Review for the project at 923 Rhode Island, based on the determination that it would not encroach upon, damage or destroy any listed property or its environs.

Motion carried unanimously, 7-0.

Motioned by Comm. Stuewe, seconded by Comm. Hickam to approve the Certificate of Appropriateness for the project at 923 Rhode Island, based on the Standard of Review and the design criteria.

Motion carried unanimously, 7-0.

ITEM NO. 5: DR-09-67-03: 945-47 Massachusetts; Façade Renovation; Certificate of Appropriateness. Submitted by Paul Werner Architects for the property owner of record. The property is in the environs of the Hanna Building (933 Massachusetts), Lawrence Register of Historic Places. The property is also located in the Downtown Urban Conservation Overlay District.

APPLICANT PRESENTATION

Lance Adams, Paul Werner Architects, spoke on behalf of the applicant, explaining the intent to bring the subject property into a closer visual relationship with the surrounding area. The primary outside renovation would be removal of the wall panels covering the buildings exterior. Replacement surfacing for these walls would depend on what was found underneath these panels.

The applicant also intended to reopen the bricked-over windows and relocate an interior stairway. Extensive interior renovations would be needed to bring the building up to today's fire, emergency and building requirements.

Several photographs of the subject property had been located but could not be dated. Mr. Adams did present a photograph of the building as it stood in 1935 as a grocery store, noting the changes that had been made since that time.

The applicant requested permission to open the storefront areas and present their findings to the Architectural Review Committee (ARC) for a determination on how to proceed.

The Commission discussed how renovations based on past uses had gotten the building to its current state and that this project would be more accurately described as restoration and rehabilitation.

Doug Compton spoke as the recent purchaser of the subject property, reiterating his primary intent was to return the building as close as possible to its original outward appearance, keeping in mind the internal changes that would be required.

The Commission suggested additional research on the possible historic significance of the building's interior.

The applicant had hired an experienced demolition contractor to clear out the unwanted elements (bricks in windows, outer wall panels). It was noted that the Commission could not technically approve a demolition permit without knowing exactly what work would be done.

Mr. Compton explained he was working with Neighborhood Resources to find covering options in case of inclement weather while the building was open.

The ARC indicated a willingness to meet with a minimum of notice, onsite if necessary.

PUBLIC COMMENT

No member of the public spoke on this Item.

ACTION TAKEN

Motioned by Comm. Lodwick, seconded by Comm. Marvin to approve the project at 945-47 Rhode Massachusetts with the determination that it would not encroach upon, damage or destroy any listed property or its environs and subject to the following conditions:

1. Applicant work with the Architectural Review Committee to modify and finalize the storefront renovation;
2. Complete construction documents with material notations to be approved by the Architectural Review Committee prior to release of building permit;
3. Any changes that are discovered during the renovation process which change the construction materials, design or techniques be reviewed and approved by the Architectural Review Committee or, if they designate, by Staff; and
4. Applicant provide black and white photo documentation of the building prior to renovation.

Motion carried unanimously, 7-0.

ITEM NO. 6: Proposals for 2004 Historic Preservation Fund Grant Applications

Staff explained that there was a November 14, 2003 deadline for to submit proposals for Historic Preservation grant funding for 2004. The Commission was asked to provide suggestions for possible grant projects, keeping in mind the deadline was a few weeks away.

It was noted that the State had to pass 10% of its Historic Preservation Fund monies to CLG cities.

Staff explained that new requirements for investigating potential new Historic Districts required the application to include a petition of other written statement of approval by at least 51% of the proposed District's property owners. Getting this kind of documentation would not be possible for this year's grant process.

It was clarified that the Hancock neighborhood was in the process of seeking its own nomination.

Since cities were competitive, it was not possible to request funding for unnamed projects and bank unused funds.

Education on the Planning process, goals and intent was suggested, based on the misinformation and confusion that occurred with the recent Historic Nominations in Pinckney and East Lawrence.

Comm. Stuewe specifically recommended using technology (internet) to spread correct information including details, pictures and descriptions of listed properties. Other data could include which register the property was on and FAQ's for realtors, potential buyers and the general public.

It was also suggested that the Historic Planning Intern position be continuously filled, since the current intern, Katie Ambler, had done such a good job.

PUBLIC COMMENT

Mike Goans, President of the Old West Lawrence (OWL) Neighborhood Association, said the Association had voted to support a nomination for their neighborhood as a new District. Mr. Goans said he understood timing issues made it impossible to make the application this year, but suggested the process begin as soon as possible for a nomination application next year.

Betty Alderson said she supported the suggestion of public education about the historic planning process, but she asked the Commission to remember that not everyone was "internet-savvy" and information should be available in less technical formats as well.

Ms. Alderson suggested an application should be made related to the City's 150th Anniversary in 2004. Mr. Stuewe was a member of the Sesquicentennial Committee that has contracted with Landplan Engineering for a project including an ampitheatre near Clinton Lake, where multiple activities would be held.

In discussion of a later Item, an additional Grant suggestion was proposed for creation of a program or additional Staff to work on prevention of demolition by neglect.

ITEM NO. 7: MISCELLANEOUS MATTERS

A. Review of any demolition permit applications received since September 18, 2003 regular meeting.

1. 835 ALABAMA

STAFF PRESENTATION

Ms. Zollner explained the request was for demolition of the garage and primary structure located at 835 Alabama.

Problems such as structural instability and termites were noted, but Staff explained that little information had been available for the Staff Report.

Staff recommended denial of the demolition permit based on its effect on the historic environs of the Achning House at 846 Missouri. If removal due to irreparable deterioration was deemed necessary, Staff recommended comparable reconstruction. At this point, the property owner had submitted no reconstruction plans. It was suggested that the owner intended to clear and sell the property, leaving redevelopment up to the new owner.

PUBLIC COMMENT

Mike Goans said he had been inside the house and he felt that repair of the existing problems would not be cost-effective, given the lack of information regarding the property's historic significance.

Mr. Goans said he did not support leaving the property uninhabited when the current tenants vacated, but he thought this was likely to occur.

Andrew Peterson said that, as a resident of east Lawrence, he would like suggestions on how to prevent other properties from falling into a similar state of disrepair. He said he would be enthusiastic about a "grass-roots" effort to prevent demolition by neglect.

The Commission discussed the role of the City in enforcing preventative maintenance.

It was suggested that approving demolition would be inappropriate until more was known about the potential historic significance of the subject property. The Commission discussed allowing Staff to make this determination when and if additional information was available, with the decision that the project should return to the Commission because of its infill nature.

ACTION TAKEN

Motioned by Comm. Messick, seconded by Dean to approve the Staff recommendation to deny the demolition permit for 835 Alabama, based on the determination that it would encroach upon, damage or destroy a historic property or its environs.

Motion carried unanimously, 7-0.

2. 933 RHODE ISLAND

STAFF PRESENTATION

Ms. Zollner explained the City had initiated this demolition request based on safety issues. The barn structure had reached a state of such disrepair that it was in danger of collapsing into the adjacent alley. Supports had been added but the Neighborhood Resources Department felt that demolition was the only alternative.

Staff recommended approval of the demolition permit based on significant public safety issues.

PUBLIC COMMENT

Andrew Peterson explained he had contacted the owner of the subject property some time ago to inquire about plans for the property. The owner had indicated that a request to use the property as rental units had been denied by the City. Mr. Peterson assumed the property owner had intentionally decided to let the property decline into its current state.

Since City inspection was typically based on neighborhood complaints, Mr. Peterson suggested area residents could take a proactive stance by identifying structures facing similar futures and notifying the City before it was "too late", as it was in this case.

COMMISSION DISCUSSION

The Commission discussed the issue of demolition by neglect, noting that this was a Code enforcement issue that would require an entire department – separate from Neighborhood Resources – to be effective. It was suggested that this issue should be added to the list of potential Grant proposals from tonight's agenda Item 6.

Staff said the new regulations included rental registration requirements that would provide additional protection against substandard maintenance.

It was recommended that submission of photographs of the existing structure should be conditioned if demolition was approved.

The Commission discussed the legal restrictions inherent in telling someone what to do with their own property.

The Commission discussed the fact that demolition was unavoidable because the structure posed a significant safety hazard. However, the Commission was not called upon to judge safety issues, only the historic significance of the project. With this in mind, it was suggested that the Commission could deny the permit with the understanding that this determination would likely be overturned by the City Commission.

The Commission discussed how much historical significance could be assigned to this structure. If there was little significance, then demolition might be allowable on the

basis that it would not encroach upon the environs. It was noted that the structure was unique in its presence as one of the few remaining barn structures in an area that was once characterized by similar buildings.

It was presumed, in light of little written or photographic evidence, that the structure had originally been a carriage house. Other similar structures in the area were documented as being built in the late 1860's.

It was suggested that approval of the request would enable the demolition by neglect process.

If the request were denied, Staff recommended listing specific findings of fact in the motion to support the action and narrowly define the Commission's view.

ACTION TAKEN

Motioned by Comm. Marvin, seconded by Comm. Lodwick to oppose the Staff Report recommendation and deny the demolition permit for the structure located at 933 Rhode Island based upon the determination that the project would encroach upon, damage or destroy the environs of listed properties at 945 Rhode Island (Shalor Eldridge Residence), 940 Rhode Island (McFarland House, and 941 Rhode Island (Hendry House). This determination was based on the following findings of fact:

1. The structure is a form that defines and characterizes the alley;
2. the structure is important because it retains a sense of time and use within the changing neighborhood; and
3. There are few examples of this building type that still exist in Lawrence.

Motion carried unanimously, 7-0

- A. Architectural Review Committee and Administrative Reviews since the September 18, 2003 regular meeting.

There were no ARC reviews for the Commission to consider.

Administrative Reviews

DR-09-68-03: One Riverfront Plaza; Sign; Certified Local Government Review. Submitted by Cheryl Weatherington, business owner of record. The property is in the environs of the Consolidated Barb Wire Building (546 New Hampshire), Kansas Register of Historic Places.

ACTION TAKEN

Motioned by Comm. Dean, seconded by Comm. Stuewe to approve the Administrative Review as presented by Staff.

Motion carried unanimously, 7-0.

B. Provide comment on variance (BZA) requests received since September 18, 2003.

There were no BZA requests for the Commission to consider.

C. Miscellaneous matters from City staff and Commission members.

- Staff explained the HP 2002 Grant for National Register Historic Districts had recently been closed. The State had reviewed the proposal(s) and they would be placed on the Board of Review agenda in February 2004. It was likely the Commission would be asked to comment on the project.

Staff would be meeting with representatives from each of the nominated Districts before the next regular Commission meeting.

- Ms. Zollner said she would be attending an Environs Training Workshop and asked if any of the Commissioners would like to do the same. Training would be conducted by the State CLG Coordinator and would take 1 – 1½ hours. Information would be presented, followed by several case studies. All Commissioners agreed this would be a valuable experience.

Staff agreed to determine a date, time and location for the Environs Training Workshop, based on the Commission's suggestion of 4-6 p.m. on Monday, November 3 or Monday November 10th.

Comm. Lodwick left at 9:13 p.m.

- The Commission chose to schedule the Study Session on the new Historic Preservation Element of *Horizon 2020* for 5:00 p.m., November 20th, prior to the regular meeting. Staff agreed to verify a location and to arrange for a meal.

ADJOURN – 9:25 p.m.

Official minutes are on file in the Planning Department office.