

HISTORIC RESOURCES COMMISSION

Action Summary **DRAFT**

March 17, 2005 – 7:05 p.m.

Commissioners present: Hickam, Sizemore, Marvin and new Commissioners Antle and Veach, and Student

Staff present: Zollner, Miller and Saker

ITEM NO. 1: ACTION SUMMARY

Typographical errors were noted in the February 2005 Action Summary.

Motioned by Hickam, seconded by Marvin to approve February 2005 Action Summary as revised.

Motion carried 3-0-2, with Antle, Veach and Student Comm. Nightingale abstaining because they were not present at the February meeting.

ITEM NO. 2: CORRESPONDENCE, ABSTENTIONS, DEFERRALS

- The two new Commissioners, Matt Veach and Jay Antle, were introduced.
- No abstentions were indicated.
- There were no deferral requests for consideration.

ITEM NO. 3: DR-02-10-05: 823 Missouri Street; Foundation Repair; Certified Local Government Review. Submitted by John Craft, for the property owner of record. The property is located in the environs of the Ralph and Cloyd Achning House (846 Missouri), National Register of Historic Places.

STAFF PRESENTATION

Staff presented slides from all elevations, bringing attention to the foundation plan and referencing the additional pictures provided in hard copy.

APPLICANT PRESENTATION

John Craft, contractor, spoke on behalf of the applicant. He said the applicant proposed replacing the basement because all walls were significantly damaged, some to the point of near collapse. Mr. Craft said the project was complicated by the unusual construction of the house. The framework extended down through the basement, so the entire house would have to be lifted to make the proposed replacement. The applicant proposed to modify the house to a more typical, stable construction design.

Mr. Craft responded to questioning that the house would be returned to its current elevation if the underlying sewer line was deep enough to allow excavation of the basement 1' to accommodate plumbing. If this was not the case, the modified house would sit about 1' higher than its current elevation. Mr. Craft said the house sat above grade today, but did not appear to because of skirting.

It was established that some, but not all, of the existing windows had window wells.

Mr. Craft was asked to address the issue of the two existing chimneys. He explained the property owner originally intended to remove both chimneys. The central chimney appeared to serve only as a vent for the water heater and the air furnace. The other chimney seemed to serve a shallow fireplace on the north. Mr. Craft said he could see no way of retaining the original chimney structures while lifting the house, since they extended through the basement and sat on the dirt basement floor (apparently without footing). He proposed removing and rebuilding the central chimney with a deeper fireplace, but did not know at this time whether the original materials were reusable.

Mr. Craft spoke about the proposed porch repair. Staff agreed with his assessment that the existing porch structure was in poor condition, with bowed rafters, a buckled ceiling and sagging floor. Mr. Craft said repairing the porch support system would take a significant amount of work, but he could not tell what this would entail until he lifted the porch to see how it was built. He said the new support system would not be externally visible.

Mr. Craft was asked to describe the proposed exit door and access ramp from the basement. He said the original design had been modified, and the door and ramp were now proposed for the west/rear of the house. The modification would not be as visible from the street in this location and would be easier to construct. Mr. Craft said it was possible that a small section of the existing rear deck would have to be removed to accommodate the access ramp. He noted that the deck was obviously not part of the original structure.

PUBLIC COMMENT

No member of the public spoke on this item.

COMMISSION DISCUSSION

Comm. Hickam said the structure had been in a significant state of disrepair a year ago. The home was clearly a unique challenge.

It was clarified that the staff Report mistakenly omitted a comment about the loss of the central chimney. Staff typically did not like to lose chimneys, but recognized the central chimney was not functional and must be removed to save the overall structure. Staff also noted that this was an environs review and removal of the central chimney met the standards. Regarding the southern chimney, staff saw this as a character-defining feature that should be retained/rebuilt.

The Commission thanked the applicant for the unusual level of detail provided in the application. It was useful in visualizing the unique problems and proposed solutions involved in this case.

The Commission discussed the odd design and construction of the house, which was not typical for the region or the time frame.

The Commission agreed with staff's sentiments about retaining/rebuilding the south chimney as a character-defining feature. It was noted that the existing chimney was unstable and unusually tall. It was suggested that a shorter rebuilt chimney would be

preferable because it could be done without an anchoring mechanism. Design of the rebuilt chimney could be left to staff review.

ACTION TAKEN

Motioned by Hickam, seconded by Antle to approve the Certified Local Government Review for the project at 823 Missouri Street, based on a determination that the project will not encroach upon, damage or destroy any listed property or its environs. Approval is subject to the following revised conditions:

1. The applicant investigate and coordinate the results of the investigation with staff as to the possibility of excavating the basement to achieve the desired finished floor to ceiling height;
2. The chimney on the south elevation be reconstructed using the existing material, if possible. Design and height are subject to approval by the Historic Resources Administrator;
3. Complete construction documents with material notations to be approved by the Historic Resources Administrator;
4. Any changes to the approved project will be submitted to the Historic Resources Commission prior to the commencement of any related work; and
5. The property owner will allow staff access to the exterior and interior of the property to photo document the project before construction begins.

Motion carried unanimously, 5-0, with Student Commissioner Nightingale voting in favor.

ITEM NO. 4: DR-02-12-05: 1140 Mississippi Street; Dormer Remodel and Addition; Certified Local Government Review and Certificate of Appropriateness Review. Submitted by James Slough, the property owner of record. The property is a contributing structure to the Hancock Historic District, National Register of Historic Places and is in the environs of the Jane A. Snow Residence (706 W. 12th), Lawrence Register of Historic Places.

STAFF PRESENTATION

staff showed pictures of all elevations, pointing out the existing west dormer proposed for replacement and the location of the proposed new dormer on the east.

It was noted that the Commission saw this property before when administrative approval was granted for rebuilding a shed.

APPLICANT PRESENTATION

James Slough, property owner, described the damaged condition of the existing west dormer. In his opinion, there was "nothing left to save", and rebuilding the dormer would allow him to make it more appropriate for the house. He explained the new east dormer was proposed to make the interior more usable.

Mr. Slough said the only visible change to the west dormer would be the pitch. The stem walls would be no wider and no higher than those on the existing dormer.

The Commission asked about what appeared to be a set of handrails leading from the existing dormer to the balcony below. Mr. Slough guessed at the use of the handrails to access the upper bathroom without going through the upstairs bedroom. He said this was not a safe practice but he had little control over the actions of the tenants. Mr. Slough said there was no intention to construct stairs to accompany the handrails.

It was established that the applicant submitted an application for grant funding for a significant amount of interior repair. Ms. Zollner explained local staff was coordinating their review with the State Historic Preservation Office tax credit coordinator. Preliminary comments were similar for both.

PUBLIC COMMENT

No member of the public spoke on this item.

COMMISSION DISCUSSION

The Commission agreed with staff's assessment that the existing west dormer was not an original feature and was not compatible with the structure. It was also agreed that the proposed new east dormer was not visible from its location of the rear of the structure, and increased the utility of the interior space.

Comm. Veach said the Secretary of the Interior's Standards did not provide much guidance for determining when it is appropriate to require removal of a non-original feature that has been in place for some time. Ms. Zollner said the Standards would support removal of the west dormer to return the structure to its original state. However, the applicant preferred the utility of the space created by the dormer. The

National Parks Service allows for the continuation of existing alterations when reviewing tax credit applications. Staff's review of the proposal includes the fact that the dormer increased utility of the structure, making it suitable for a modern use.

ACTION TAKEN

Motioned by Comm. Hickam, seconded by Comm. Veach to approve the Certificate of Appropriateness and Certified Local Government Review for the project at 1140 Mississippi Street, based on a determination that the project will not encroach upon, damage or destroy any listed property or its environs. Approval is subject to the following conditions:

1. The applicant provide complete construction documents, with material notations to be reviewed and approved by the Historic Resources Administrator prior to release of a building permit.
2. The replacement windows be wood non-clad windows.
3. Any changes to the approved project will be submitted to the Historic Resources Commission prior to the commencement of any related work.
4. The property owner will allow staff access to the property to photo document the project before construction begins.

Motion carried unanimously, 5-0.

DISCUSSION ON THE MOTION

It was clarified for the applicant that, per the conditions of approval, he would need to submit a list of building materials to staff for review and release to Neighborhood Resources. He could submit his building permit application to Neighborhood Resources at the same time to reduce review time, but a building permit would not be issued without a release from the HRA.

ITEM NO. 5: MISCELLANEOUS MATTERS

- A. Review of any demolition permit applications received since the February 17, 2005 regular meeting.

There were no demolition permits for review.

- B. Architectural Review Committee and Administrative Reviews since the February 17, 2005 regular meeting.

The ARC had not met since the February 2005 meeting.

Administrative Reviews

DR-12-114-04: 1011 Vermont Street; Sign; Certified Local Government Review. Submitted by Luminous Neon, Inc. for the property owner of record. The property is located in the environs of Lawrence's Downtown Historic District and Watkins Bank (1047 Massachusetts), National Register of Historic Places. The property is also located in the Downtown Conservation Overlay District.

It was verified that staff worked with the applicant to reduce the size of the proposed sign by as much as 1', although the sign was still 7' tall. This was the smallest the applicant was willing to go, stating a need for high visibility and the inclusion of a message board and the church's web address.

Staff tried to modify the design to a ground mounted sign, but had run into conflicts with the Sign Code.

Staff presented a historic photograph of the church with a similar, though much smaller, sign in the same location.

DR-01-04-05: 628 Louisiana Street; Roof Rehabilitation; Certified Local Government Review. Submitted by Anthony Backus for the property owners of record. The property is a contributing structure to the Old West Lawrence Historic District, National Register of Historic Places.

DR-02-09-05: 947 New Hampshire Street; Sign; Certified Local Government Review and Certificate of Appropriateness Review. Submitted by Luminous Neon, Inc. for the property owner of record. The property is located in the environs of Lawrence's Downtown Historic District and the North Rhode Island Historic District, National Register of Historic Places. The property is also located in the environs of the Shalor Eldridge Residence (945 Rhode Island), Kansas and Lawrence Register of Historic Places, and the Hendry House (941 Rhode Island), Lawrence Register of Historic Places. The property is also located in the Downtown Conservation Overlay District.

DR-02-11-05: One Riverfront Plaza; Sign; Certified Local Government Review. Submitted by Luminous Neon, Inc. for the property owner of record. The property is located in the environs of Lawrence's Downtown Historic District, the North Rhode Island Street Historic District, the United States Post Office (645 New Hampshire), National Register of Historic Places and the Consolidated Barb Wire Building (546 New Hampshire), Kansas Register of Historic Places.

DR-02-13-05: 636 Massachusetts Street; Sidewalk Dining; Certified Local Government Review. Submitted by Hernly Associates, Inc. for the property owner of record. The property is listed as a non-contributing structure to Lawrence's Downtown Historic District, National Register of Historic Places. The property is also located in the Downtown Conservation Overlay District.

It was discussed that the applicant had been considering requesting full Commission consideration of this request, rather than Administrative Review. Staff received notification this afternoon that the applicant would accede to staffs' requirement for a straight railing instead of the curved design proposed.

There was discussion about the City Code standard for wrought iron materials. This standard provided no options but wrought iron railings were not seen uniformly throughout the City.

It was verified that Sidewalk Dining applications have always been handled administratively in the past, because this use is considered a minor and reversible change.

ACTION TAKEN

Motioned by Antle, seconded by Marvin to approve the Administrative Reviews as presented.

Motion carried unanimously, 5-0, with Student Commissioner Nightingale voting in favor.

C. Provide comment on variance (BZA) requests received since February 17, 2005.

There were no BZA cases for review.

D. General public comment.

Dennis Brown, Vice-President of the Lawrence Preservation Alliance, introduced himself to the Commissioners as LPA's liaison to the HRC and HRA.

Staff relayed a message from Betty Alderson, area resident, saying she could not attend the meeting but she had significant concerns about the Sidewalk Dining Standards being discussed on tonight's agenda.

E. Miscellaneous matters from City staff and Commission members:

- Guidelines for Sidewalk Dining Areas

Staff explained the Sidewalk Dining Guidelines presented tonight were written several years ago after intensive study by a subcommittee of the HRC. The Commission had approved the guidelines and forwarded them to the City Commission in hopes of having them adopted by the City Commission. The City Commission was of the opinion that this was not necessary and took no action on the guidelines.

In light of the recent increase in sidewalk dining applications, staff asked the Commission to review the guidelines to see if they were still appropriate in today's development environment. staff hoped to revise and re-approve the guidelines and send them again to the City Commission, asking for the governing body to address the HRC's concerns.

Specific concerns were submitted in writing by Comm. Alstrom:

- Railings should not be attached to the building;
- Umbrellas presented a safety hazard in high winds and should not be allowed under any circumstances;

- The pedestrian clearing on the sidewalk should be 8' instead of 6'; and
- Outside hose connections should be provided to allow merchants to clean the pavement.

Staff said Public Works was concerned about Comm. Alstrom's final suggestion, because it would illegally place runoff in the stormwater system instead of the sewer system.

It was discussed that sidewalk dining was not a "historic phenomenon". It was new to Downtown and there was minimal guidance in the Code for how to retrofit this use.

The Commission discussed a moratorium on sidewalk dining reviews. It was suggested it would be politically unwise to firmly state that the HRC would not look at any sidewalk dining applications until guidelines were in place. It was equally understood that the Commission had no ability to adopt a resolution regarding the matter. The Commission discussed sending a letter to the Mayor, the City Manager, and the City Commission, requesting the City Commission place the moratorium.

It was verified that the sidewalk dining approvals granted before the guidelines were in place would be allowed to remain as-is under the grandfather provision.

Ms. Zollner stated that three of the sidewalk dining applications submitted in 2004 significantly encroached the pedestrian walkway. In all three cases, the applicant had redesigned the project at staff's request, but staff had no legal support in the current code to require redesign.

The Commission agreed they needed more time to review the proposed guidelines, and discussed whether to form another subcommittee, or forward individual comments to staff. Staff would summarize the comments and present them for consideration as soon as possible. In either case, the Commission agreed with the idea of sending a letter of request as described.

It was commented that the City Commission recently considered changes to the Smoking Ordinance. The governing body believed more study was needed on the sidewalk smoking area issue, and took no action on that section of their discussion.

The Commission was sensitive to the fact that the public wanted to be involved in the development of the sidewalk dining guidelines.

Several points were discussed:

- If a letter were sent to the City Commission, it would be best to state a date when the HRC believed the guidelines would be ready for adoption. This would increase the likelihood that the City Commission would honor the request for a moratorium. It was suggested that guidelines could be prepared for the City Commission's consideration by April 2005.
- It was suggested that movable barriers, like large planters, be used to delineate the sidewalk dining areas. Would this feature encourage vandalism or prove unduly difficult to deal with (moving inside each night)?

Mr. Brown said the LPA would draft a similar letter outlining their concerns.

ACTION TAKEN

Motioned by Marvin, seconded by Sizemore to direct staff to draft a letter on behalf of the HRC, requesting the City Commission institute a moratorium on sidewalk dining permits until Sidewalk Dining Guidelines are adopted for the City of Lawrence. The motion included authorizing the Chair to sign the letter on behalf of the Commission.

Motion carried unanimously, 5-0.

Other issues were discussed:

- Elections are scheduled for April to elect a Chair, Vice-Chair, liaison to the Campus Historic Preservation Board, and ARC members for 2005-2006.
- Staff also asked for volunteers to complete the garage study. The field work was done and staff anticipated completion this summer.
- The Statewide Preservation Conference will be in Topeka on May 5th – 7th. Commissioner's were asked to notify staff in advance if they would like to attend. Staff specifically recommended attending the Saturday CAMP program workshop.
- National Historic Preservation Week is coming up and staff suggested asking the City Commission to proclaim May Preservation Month. Several activities and educational workshops were discussed as part of this month.

ADJOURN – 8:35 p.m.

Official minutes are on file in the Planning Department Office