

**HISTORIC RESOURCES COMMISSION
AGENDA MEETING – NOVEMBER 16, 2006, 7:00 PM
ACTION SUMMARY**

Commissioners present: Veatch, Marvin, Myers, Hickam, Sizemore, Antle, and Alstrom
Staff present: Zollner, Wagner and Miller

ITEM NO. 1: ACTION SUMMARY

Motioned by Hickam, second by Marvin to approve the October 19, 2006 Action Summary with the following modifications:

- Under Commission Discussion on p.3, add "and expressed concern that the project had changed with each time it was presented to the Commission" to Comm. Marvin's comments.
- On p.9 under Applicant Presentation, change "essential" to "incidental".

Motion carried unanimously, 6-0-1, with Comm. Antle abstaining due to his absence from the October 19, 2006 meeting.

ITEM NO. 2: COMMUNICATIONS

- a) Ms. Zollner explained that the Commissioners had additional materials for Items 4 and a letter for discussion from Comm. Alstrom.
- b) No abstentions were indicated.

ITEM NO. 3: L-10-02-06 Public hearing for consideration of placing the structure located at 925 Vermont Street on the Lawrence Register of Historic Places. Submitted by Betty Alderson and Janet Riley for Plymouth Congregational Church, the property owner of record. Adopt resolution recommending listing 925 Vermont Street to the Lawrence Register of Historic Places and its associated environs definition, if appropriate.

STAFF PRESENTATION

Staff presented photographs of all elevations of the structure and stated that the structure was recently listed on the Register of Historic Kansas Places.

APPLICANT PRESENTATION

Betty Alderson spoke on behalf of the applicant and stated that she was available for any questions that the Commission may have.

PUBLIC COMMENT

No member of the public spoke on this item.

COMMISSION DISCUSSION

Comm. Hickam stated that he was in favor of the listing, due to the local historical significance. Comm. Antle seconded Hickam's sentiments.

Comm. Veatch asked staff about the distinction between major and minor projects with respect to Area 2 in the environs definition. Staff stated that it was a copying error and that portion of the environs definition was inadvertently omitted.

ACTION TAKEN

Motioned by Hickam, seconded to Antle to approve the resolution and associated environs definition and forward it to the City Commission recommending the structure be nominated to the Lawrence Register of Historic Places.

Motion carried unanimously, 7-0.

ITEM NO. 4: **DR-09-112-06** 1019 Kentucky Street; Demolition; Certified Local Government Review and Certificate of Appropriateness Review. The property is located in the environs of the Charles and Adeline Duncan House (933 Tennessee), the George and Annie Bell House (1008 Ohio), the Dr. Frederick D. Morse House (1044 Tennessee), Lawrence's Downtown Historic District, National Register of Historic Places, and the Colonel James and Eliza Blood House (1015 Tennessee) National Register of Historic Places and Lawrence Register of Historic Places. Submitted by Ellen LeCompte, the property owner of record.

STAFF PRESENTATION

Staff presented pictures of all elevations of the structure, as well as interior and exterior details.

APPLICANT PRESENTATION

Ellen LeCompte, property owner, requested that the Commission defer action on the demolition for 30 days so that she may determine the extent of the termite damage to structure. She hopes to come back at the Commission's December meeting and present more information to the Commission regarding the cost of repair to the structure. She also stated that she hopes to be in contact with staff to discuss options with regard to tax credits.

PUBLIC COMMENT

No member of the public spoke on this item.

COMMISSION DISCUSSION

There was no commission discussion.

ACTION TAKEN

Motioned by Hickam, Second by Meyer to defer consideration of the demolition of the structure located at 1019 Kentucky Street until the Commission's December meeting.

Motion carried unanimously, 7-0.

The Commission heard Item #5 after #6.

ITEM NO. 6: **DR-10-119-06** 1140 South Park Massachusetts Street; Stair Modification; Certified Local Government Review and Certificate of Appropriateness Review. The property is listed individually on the Lawrence Register of Historic Places and as a contributing property to Lawrence's Downtown Historic District, National Register of Historic Places. The property is also located in the environs of the John N. Roberts House (1307 Massachusetts), the South Rhode Island Historic District, the North Rhode Island Historic District, the English Lutheran Church (1040 New Hampshire), Watkins Bank (1047 Massachusetts), and the Douglas County Courthouse (1100 Massachusetts), National Register of Historic Places. Submitted by Katie Nichols of Sabatini Architects for the City of Lawrence, the property owner of record.

STAFF PRESENTATION

Staff presented photographs of all elevations of the structure.

APPLICANT PRESENTATION

Katie Nichols, a project architect with Sabatini Architects, stated that she was available to answer any questions that the Commission may have.

PUBLIC COMMENT

Dayna Carlton, East Lawrence Neighborhood resident, asked if trucks would still be able to come in to deliver tables and such for events. Ms. Nichols stated that they were in constant contact with the Parks and Recreation Department and that it would not be a problem.

COMMISSION DISCUSSION

Comm. Marvin questioned the applicant regarding the railing that was located in the middle of the stairway. Mr. Nichols stated that it was required by code and would still permit people with large instruments to freely climb the stairs.

Comm. Sizemore questioned the applicant regarding the translucent stair rise material and the applicant stated that the Parks and Recreation department indicated that they wanted to have the stairs lighted. The stair way would then be lit at night.

Comm. Meyer questions the length of the stair and Ms. Nichols stated that it would extend approximately 20' from the bandstand. Comm. Meyer stated her concern that the current circulation pattern would then be altered. Comm. Meyer also stated her concern with the size of the staircase and thinks it detracts from the bandstand itself.

Comm. Marvin stated that she thought the placement of the staircase and the imposing design of it detracts from the main façade of the structure.

Comm. Alstrom stated that he agreed with both Comm. Meyer and Marvin's comments, and that he would like to see the stairs without the masonry enclosure beneath it.

Comm. Antle questioned if the enclosure was necessary to store materials.

Ms. Nichols stated that they could design the staircase, without the masonry enclosure. She also stated that the enclosure was designed to provide structure as well.

Comm. Sizemore stated that adding a stairway to this historic structure is difficult enough, but that the addition of the masonry structure and doors underneath proved too dominating for the bandstand.

Ms. Nichols thought that the location of the stairway on the east was to provide a connection to the audience on concert nights.

Comm. Hickam agreed with his fellow Commissioners concerns and also stated that he felt that the design should be modified to not include the masonry structure underneath the stairway.

Comm. Veatch stated that this was a listed structure and therefore the intent of the Commission is to protect the Bandstand itself, and there was never a stair in this location. He stated that the addition of the massive staircase, as designed, will dominate the structure. He said he would prefer an alternate location for the stairway, in addition to a more open staircase.

Comm. Marvin stated that she thought that someone with some acoustical background should weigh in on the decision making process.

Comm. Hickam stated that he was in favor of the east location for the stairway, because it created an east and west, or front and back façade to the Bandstand.

Comm. Sizemore stated that he would be supportive of a different stair location, in order to preserve the original access to the storage that is located underneath the bandstand.

Ms. Zollner stated that staff would prefer that the Commission give specific instructions to the applicant considering the constraints of the project, and the amount of time that applicant has already spent working with the ARC and staff.

Comm. Sizemore stated that he agreed with Comm. Hickam in that the east location is the best, but that a lighter appearance to the stairway is desirable.

Ms. Nichols clarified that the landing would be required if the applicant wanted to use the existing storage underneath the bandstand.

ACTION TAKEN

Motioned by Hickam, second by Marvin, to defer action on the Certified Local Government Review and Certificate of Appropriateness Review to allow the applicant to work with the Architectural Review Committee to adjust the design to better meet the standards. The item shall return for full commission review.

Motioned carried unanimously 7-0.

ITEM NO. 5: **DR-10-118-06** 619 E. 8th Street; Exterior Modifications; Certified Local Government Review. The property is listed as a contributing structure to the East Lawrence Industrial Historic District, Kansas Register of Historic Places. Submitted by Bo Harris for Cinco Hombres LLC, the property owner of record.

STAFF PRESENTATION

Staff presented photographs of all elevations of the structure.

APPLICANT PRESENTATION

Sally Schwenk, Historic Preservation Consultant for the applicant, gave a presentation regarding the project. She stated that the applicant had to comply with the Secretary of the Interior Standards, the overlay district Design Guidelines, and the standards for the review of tax credits. In addition, the nature of the Phoeler building provided challenges as well, such as the limited amount of windows. She stated that the roof system is severely damaged and will need to be replaced. The masonry materials, the historic signage, architectural metal materials, and windows will be repaired in accordance with the standards. The existing fire escapes will be retained, as long as they meet current fire code. Door changes will be in accordance with state tax credit review and City staff review. New openings will be made on three elevations of the structure, because of health, safety & welfare and are permitted in accordance with the standards. Ms. Schwenk presented examples of other projects where new openings were created in historic structures. She also described the proposed addition of skylights to the building. She stated that they are providing the minimum natural lighting required by code.

Mike Pullman, BNIM Architects, stated that according to the UBC 1997, 10% of the square foot of the room must be represented by natural light. Comm. Hickam stated that the use of the skylights allowed them to essentially minimize the number of exterior openings.

Ms. Schwenk stated that the decorative first floor arched windows wrapped around from the north elevation onto the east elevation, and the proposed new windows will not start until south of this point on the east elevation. She stated that the windows will be smaller, plainer and subservient to the other historic windows. She also described the rooftop addition, and stated that it complies with the Secretary of the Interiors Standards. She stated that the State's opinion was that the addition be gray to blend in with the sky, but they are awaiting a decision from the federal review to determine the amount glazing.

She then presented series of photographs taken to illustrate exactly how much of the rooftop addition would be visible from differing locations around the site.

She also described the new balconies, and stated that they were to be placed in front of the new openings, and that their appearance is minimized by the use of cable supports.

She briefly gave an overview of the site issues, including the window wells and rear ADA ramps. She also stated that she would be available to answer any questions.

PUBLIC COMMENT

Dayna Carlton, East Lawrence neighborhood resident, questioned the applicant regarding the added window openings, and Ms. Schwenk stated that the windows should be smaller and simpler than the original windows. Ms. Carlton also stated that she has concerns over the size of the balconies, but wants them to be big enough that they are usable. She also questioned the applicant regarding the cables and how they will work to support to balconies.

Dennis Brown stated that he was a proponent of adaptive reuse, especially converting an industrial building to residential uses. He stated that he felt the new window openings were simple enough that they blend in the façade and were well thought-out. His concern was with the balconies and the new door openings. He thought that care should be taken to preserve the industrial façades of the building.

K. T. Walsh, Board of Accessible Residential Options, stated that she had questions over the accessible ramp that is being proposed on the south façade of the building. She is concerned over the drainage issues. Mr. Pullman stated that because of the grade change and the requirements of the code, that the design of the ramp is necessary. She also stated that she was an East Lawrence resident and was in favor of the design because she thought that it was in keeping with the tradition of the industrial building.

COMMISSION DISCUSSION

Comm. Marvin stated that she didn't remember a rooftop addition before and wanted to know if it has been a part of the proposal all along. Ms. Schwenk stated that it was part of the proposal all along. Bo Harris, developer of the project, stated that the existing roof is in great disrepair and was damaged even more with the recent microburst. They need to completely replace the roof structure and therefore looked at a rooftop structure. He stated that they have had a lot of interest in the space and that economic issues also played a role as well. Ms. Zollner stated that it was also mentioned in the design guidelines that the Commission reviewed.

Comm. Antle requested the applicant clarify what they are looking for from the Commission this evening. Ms. Schwenk stated that the applicant is looking for a recommendation of approval, and that if there were concerns, that the applicant can address those with a final set of drawings to be approved.

Comm. Marvin asked what the final balcony dimensions were. The applicant stated that they were unsure. Comm. Antle asked what the painting techniques were that were going to be used to restore the Poehler sign. Ms. Schwenk stated that it would be an appropriate material in accordance with the Secretary of Interior's Standards.

Comm. Sizemore questioned staff as to the balconies that staff were referring to on page 4 of the staff report, and Ms. Zollner stated that she was referring to the ones closest to the northwest corner.

Comm. Sizemore asked if the applicant had a plan view of the rooftop addition. The applicant provided the Commission with a plan view of the addition. Comm. Sizemore also questioned the applicant as to how much higher the addition would be to accommodate the elevator equipment, and the applicant stated that it would be around 4 or 5 feet.

Comm. Sizemore questioned the applicant regarding the roof, and it was generally described as a flat roof.

Mr. Harris stated that the poles that the Commission actually saw in the photographs were set at 11 feet, not ten.

Comm. Alstrom questioned the applicant regarding acoustical screening of the roof-top mechanical equipment.

Comm. Hickam stated that he liked the proposal that the applicant has brought forward. He stated that he was glad to see the applicant work so hard to meet the intent of the standards.

Comm. Antle stated that he was also in favor of the proposal, and especially wanted to state his opinion that the proposed windows were appropriate.

Comm. Alstrom questioned the applicant as to the glazing dilemma on the rooftop addition and inquired as to how the applicant was going to resolve it. Comm. Sizemore

stated that he is also concerned about the reflectiveness of the glass and the amount of glazing on the rooftop addition, especially at night. Ms. Schwenk stated that they are waiting for the decision of the federal reviewer as to the amount of glazing on the addition. Mr. Harris stated that they just did a similar project that qualified for tax credits, and that they will look at recessing that glass. Mr. Harris stated that they are willing to work with all ideas in order to minimize the impact of the penthouse.

Comm. Sizemore stated that he appreciated Mr. Brown's comments, and he also thought that the new window openings are done in balance, even though they are not symmetrical. He stated that he thinks that the penthouse and balcony additions contribute to the reinvigoration of the warehouse district.

Mr. Harris stated that he had concerns over staff's decision's because of the appeals process. His concerns relate to decisions made by the HRA, and would prefer to have decisions made by the full commission instead. He stated that he would feel better if condition number 2, requiring the final number and placement of new openings in the building be approved by the HRA, were removed. The Commission generally felt that the condition should be removed. Mr. Harris also requested that condition 3 be changed to the ARC instead of the HRA.

ACTION TAKEN

Motioned by Hickam, second by Veatch, to approve the Certified Local Government Review for exterior modifications to the structure located at 619 E. 8th Street as presented, based on a determination that it will not encroach upon, damage or destroy any listed property or its environs. Approval was subject to the following revised conditions:

1. Any changes to the approved project will be submitted to the Historic Resources Commission prior to the commencement of any related work;
2. The applicant provide complete construction documents with material notations to be reviewed and approved by the Architectural Review Committee and the Kansas Historic Preservation Office prior to release of a building permit.

Motioned carried unanimously 7-0.

The Commission took a 5 minute break.

ITEM NO. 7: MISCELLANEOUS MATTERS

- A. No demolition permits applications were received since the October 19, 2006 regular meeting.

- B. Architectural Review Committee and Administrative Reviews since the October 19, 2006 regular meeting.
- The ARC met to discuss 824 Ohio and concluded that the applicants information was incomplete.

Administrative Reviews

DR-09-109-06 609-611 Vermont Street; HVAC Replacement; Certified Local Government Review and Certificate of Appropriateness Review. The property is located in the environs of Lawrence's Downtown Historic District, the Old West Lawrence Historic District, National Register of Historic Places, and the J.B. Shane Thompson Studio (615 Massachusetts), Lawrence Register of Historic Places. The property is also located in the Downtown Conservation Overlay District. Submitted by Michael Cornwell of CP & Associates for First State Bank and Trust, the property owner of record.

DR-09-110-06 937 Massachusetts Street; Sign; Certified Local Government Review and Certificate of Appropriateness Review. The property is listed as a contributing structure to Lawrence's Downtown Historic District, National Register of Historic Places. The property is located in the environs of the Hanna Building (933 Massachusetts), Lawrence Register of Historic Places. The property is also located in the Downtown Conservation Overlay District. Submitted by Tammy Moody of Luminous Neon Inc. for Elinor Everitt, the property owner of record.

DR-09-111-06 1229 Kentucky Street; Sign; Certified Local Government Review and Certificate of Appropriateness Review. The property is located in the environs of Lawrence's Downtown Historic District, the John N. Roberts House (1307 Massachusetts), National Register of Historic Places, and South Park (1141 Massachusetts), Lawrence Register of Historic Places. Submitted by Tammy Moody of Luminous Neon Inc. for the Roman Catholic Archdiocese of Kansas City, the property owner of record.

DR-09-114-06 1336 Tennessee Street; Exterior Modifications; Certified Local Government Review. The property is located in the environs of the John Palmer and Margaret Usher House (1425 Tennessee), National Register of Historic Places. Submitted by Anthony Backus, the property owner of record.

DR-10-115-06 720 W. 3rd Street; Kaw Water Treatment Plant Parking Expansion; Certified Local Government Review. The property is located in the environs of the Albert and S.T. Zimmerman House

(304 Indiana) and the Pinckney II Historic District, National Register of Historic Places. Submitted by the City of Lawrence, the property owner of record.

DR-10-116-06 707-745 Vermont Street; Sign; Certified Local Government Review and Certificate of Appropriateness Review. The property is listed as a contributing structure to Lawrence's Downtown Historic District, and is located in the environs of the Eldridge Hotel (701 Massachusetts), the Lucy Hobbs Taylor House (809 Vermont), the Carnegie Library (200 W. 9th), the Old West Lawrence Historic District, National Register of Historic Places, the House Building (729-731 Massachusetts), Kansas Register of Historic Places and Lawrence Register of Historic Places, and Miller's Hall (723-725 Massachusetts), Lawrence Register of Historic Places. The property is also located in the Downtown Conservation Overlay District. Submitted by Tammy Moody of Luminous Neon Inc. for the City of Lawrence, the property owner of record.

DR-10-117-06 801 Massachusetts Street; Sign; Certified Local Government Review. The property is listed as a contributing structure to Lawrence's Downtown Historic District, National Register of Historic Places. The property is located in the environs of the Carnegie Library (200 W. 9th), the Lucy Hobbs Taylor House (809 Vermont), National Register of Historic Places, and the House Building, Kansas Register of Historic Places. The property is also located in the Downtown Conservation Overlay District. Submitted by Dwain Workman for Round Corner Drug Company, the property owner of record.

DR-10-120-06 917 Delaware Street; Special Use Permit; Certified Local Government Review. The property is located in the environs of the East Lawrence Industrial Historic District, Kansas Register of Historic Places. Submitted by Korb Maxwell for Robert and Molly Krause, the property owners of record.

DR-10-121-06 W. 12th and Mississippi Streets; Site Modifications; Certified Local Government Review and Certificate of Appropriateness Review. The property is located in the environs of the Jane A. Snow Residence (706 W. 12th), National Register of Historic Places and Lawrence Register of Historic Places, and the Hancock Historic District, National Register of Historic Places. Submitted by the University of Kansas, the property owner of record.

STAFF PRESENTATION

Staff gave a brief overview of the Administrative Reviews.

PUBLIC COMMENT

No member of the public spoke on these items.

COMMISSION DISCUSSION

Comm. Marvin asked staff to explain the location of the practice field.

Comm. Alstrom stated that he would like to request the commission remove DR-10-120-06 from the administrative reviews.

Comm. Marvin asked if the Special Use Permit (SUP) was owner specific. Ms. Zollner stated that it was owner specific and allowed for the City to place restrictions and have greater control over those tailored conditions. Comm. Marvin also questioned staff's language in the staff report as related to the special use permit. Ms. Zollner stated that a rezoning is not recommended because it was not the historic zoning of the property, but that a SUP does not change the base zoning.

Comm. Alstrom stated that he felt that this application should not have been approved. Ms. Zollner clarified that the property owner was required to meet certain conditions and submit for review by the HRA, and therefore the SUP could be revoked if it no longer fits with the neighborhood.

Comm. Meyer stated that she was critical of the SUP granted to another property owner recently because the applicant was in violation of their conditions, but the application was approved by the HRC. Comm. Veatch stated that he thought the situations were different and warranted different types of reviews.

Comm. Alstrom stated that he is objecting to the fact that this review was administrative, and did not have a public hearing and come before the Commission as a full review. Comm. Veatch stated that staff had supplied information as to why this particular review was administrative in nature. Ms. Zollner stated that according to the agreement with the SHPO, the HRC will delegate the review authority to staff regarding certain projects. Once those projects are approved by staff, the information is forwarded to the HRC for their confirmation. This process allows the HRC oversight of staff determinations. Once staff issues that administrative approval, the project is released. The HRC can not rescind approval for that particular item. The HRC can, however, direct staff not as to how projects should receive approval and the administrative approval list can be amended to remove certain project types.

It was noted that the City Commission initiated a revision to the development code to include this as an allowable use for an SUP.

Ms. Zollner stated that the effect of confirming the Administrative approvals essentially keeps the Commission informed as to staff's review so that there is an awareness by the HRC as to what projects are submitted and approved by staff. Comm. Hickam also

stated that the Planning Commission and City Commission must approve the SUP and hold public hearings.

Comm. Sizemore stated that he thought that this created a loophole, and that maybe the HRC wants to consider removing SUP's from the Administrative Review list. Comm. Antle stated that if a project is denied, then maybe any subsequent requests for a similar proposal should come back to the full commission.

PUBLIC COMMENT

Janet Gerstner, asked how many SUP's come before the commission. She also stated that it might be a great idea for the Commission to review the administrative approval list.

Ms. Zollner stated that the SUP's are administratively reviewed because they generally don't impact the environs. It is also a timeliness concern.

Comm. Antle views this as an isolated incident and would just be in favor of setting a policy that if a project is denied, and then comes back in a back door fashion, say under an SUP, that it comes to the full commission for review. Comm. Veatch stated that he did not think that was clear enough for the HRA.

Comm. Veatch stated that he thought HRC should review the administrative review list at the December meeting.

Betty Alderson questioned if the SUP will go to the City Commission. Ms. Zollner stated that the SUP would go the Planning Commission then City Commission for public hearing.

ACTION TAKEN

Motioned by Hickam, seconded by Veatch to approve all Administrative Reviews as presented by staff.

Motion carried unanimously, 6-1, with Comm. Alstrom voting in opposition.

C. Provide comment on variance (BZA) requests received since October 19, 2006.

- No BZA requests were received since the September 21, 2006 meeting.

D. General public comment.

- Ms. Janet Gerstner stated that she wanted to thank the Commission for the Plymouth Nomination. She also thought that a different item was to be discussed but wanted to thank the HRC and HRA for their work.
- Dayna Carlton also wanted to thank the Commission

- E. Miscellaneous matters from City staff and Commission members
 - a) Letter from Comm. Alstrom regarding stone piers. He stated that he prefers that the piers be located near the entrance path along the sidewalk to the structure instead of at the property corners. He stated that he would like to have the fence ordinance modified to reflect these ideas. A brief commission discussion directed staff to identify the correct mechanism for discussion of this item.
 - b) Adopt meeting calendar for 2007
Staff noted the proposed new meeting time. There was general discussion as to the new time of 6:30 p.m.

ACTION TAKEN

Motioned by Hickam, second by Veatch to adopt the meeting calendar for 2007

Motion carried unanimously, 7-0

ADJOURN – 10:24 p.m.