

**HISTORIC RESOURCES COMMISSION  
AGENDA MEETING – SEPTEMBER 21, 2006, 7:00 PM  
ACTION SUMMARY DRAFT**

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Commissioners present: Hickam, Sizemore, Alstrom, Meyer, Marvin and Veatch  
Staff present: Zollner

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**ITEM NO. 1: ACTION SUMMARY**

The Commission agreed to defer consideration of the August 17, 2006 Action Summary for one month.

**ITEM NO. 2: COMMUNICATIONS**

- Draft letter regarding the Commission's concerns about the 8<sup>th</sup> Street Taproom. The Commission agreed to discuss this letter at the end of the meeting.
- Materials list submitted for Item 8 after packet delivery
- Information on a requested demolition permit to be discussed at the end of the meeting.
- Comm. Meyer said her sister-in-law was professionally involved with the project in Item 3, but she they did not discuss the issue and she did not intend to abstain from the Item.

**ITEM NO. 3: DR-03-33-06**      200 W. 9th Street; Addition; Certified Local Government Review. The property is listed on the National Register of Historic Places. The property is also located in the Downtown Conservation Overlay District. Submitted by the City of Lawrence, property owner of record.

**STAFF PRESENTATION**

Ms. Zollner noted that the subject property was listed on the Nation Register and was part of the Downtown Conservation Overlay District. The project was deferred at the August meeting to allow the applicant to explore options that would convey design elements from the original structure.

**APPLICANT PRESENTATION**

David Dunfield spoke on behalf of the City as the applicant. He showed some of the design options that were developed in response to comments from the Commission and the Lawrence Preservation Alliance (LPA) about using brick detailing and window placement to reinforce the strong horizontal line of the original Carnegie Library building.

Mr. Dunfield said the design team felt the alternate designs made little improvement. They proposed keeping a simple brick wall for the west façade but did not have strong feelings one way or the other about this element. However, the team felt that designs developed to carry out the horizontal line of the original building were visually detrimental to the character and composition of the overall building and they strongly opposed using them.

Mr. Dunfield said the team had met with staff and the SHPO and received what they felt was a positive review of the proposal presented tonight. He said the message he took from that meeting was that the SHPO supported moving forward with the project.

### **PUBLIC COMMENT**

Dennis Brown spoke on behalf of LPA, expressing their disagreement with the applicant about the importance of referencing the horizontal line of the original building. He described some of the professional sources LPA had met with regarding the project and explained the consensus was that this plan was an improvement over the original drawings, but still needed more work. Specifically, the LPA continued their strong support for a design that carried out the window arrangements and horizontal lines, specifically in the now-blank wall of the utilitarian space

Mr. Brown said the LPA understood that the Commission was charged with determining whether or not the proposal would damage or destroy the environs. LPA agreed that the proposed design clearly did not have any significant negative impact, but they had only "lukewarm support" for the project in its current design. LPA asked the Commission to encourage the applicant to explore options that would do even more to enhance the environs.

### **COMMISSION DISCUSSION**

The Commission discussed their charge of determining whether the project would negatively impact the listed property. There was general agreement that this was not the case, and the current proposal was a significant improvement over the original drawings.

Commissioner Sizemore said he felt this was the right size and location for the addition and that the detailing currently proposed was appropriate in this setting. He suggested that more blatant detailing would visually detract from the main building.

Commissioner Alstrom said he also supported the current detailing design, which gave the new addition its own identity instead of attempting to be a "neo-Carnegie."

Commissioner Hickam said he struggled with the concept of referencing an original building through an addition. He agreed with other Commissioners that the current proposal had an appropriate amount of visual reference while maintaining its distinctiveness as a new construction.

Mr. Dunfield responded to questioning that the masonry fence around the mechanical area and the dumpster was not yet designed, waiting for the outcome of the Commission's review. He said the height of the fence would likely approximate that of the lower stone force on the building, as long as it could provide adequate air circulation.

### **ACTION TAKEN**

Motioned by Hickam, seconded by Sizemore to approve the Certified Local Government Review for the project at 200 W. 9<sup>th</sup> Street, 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 conditions:

1. Complete construction documents with material notations, window details and trim details to be approved by the Architectural Review Committee and the Kansas Historic Preservation Office;
2. Any changes to the approved project will be submitted to the Historic Resources Commission prior to the commencement of any related work.
3. The property owner will allow staff access to the property to photo document the project.

Motion carried unanimously, 6-0.

**ITEM NO. 4: DR-06-59-06** 920 Louisiana Street; Exterior Modifications; Certified Local Government Review. The property is located in the environs of the Charles and Adeline Duncan House (933 Tennessee), the Benedict House (923 Tennessee), and the Michael D. Greenlee House (947 Louisiana), National Register of Historic Places. Submitted by Imran Wahla for Fadila Boumaza, the property owner of record.

*The Commission unanimously agreed to defer Item 4 for one month at the request of the applicant.*

**ITEM NO. 5: DR-06-63-06** 917 Delaware Street; Rezoning; Certified Local Government Review. The property is located in the environs of the East Lawrence Industrial District, Register of Historic Kansas Places. Submitted by Korb Maxwell for Robert and Molly Krause, the property owners of record.

**STAFF PRESENTATION**

Staff showed pictures of the main (east) elevation and a zoning map to show the location of the subject property in relation to the listed property.

**APPLICANT PRESENTATION**

Korb Maxwell, Polsenelli Law Firm, spoke on behalf of the applicants, explaining the intent to bring into conformance a private dining facility that had once been operating on the subject property. Mr. Maxwell said the current zoning allowed the existing single-family use and catering business. A private dining operation had also been established on the property, but the applicants removed the business and came forward with this rezoning request when they were informed that the business in violation of the Zoning Code. They requested a rezoning to allow them to return their successful private dining enterprise to their residence.

Mr. Maxwell made several points in support of the proposal:

- The East Lawrence Neighborhood has a long history of mixed use that the Neighborhood Association wants to continue and expand.
- The applicants are dedicated to working with the neighborhood to mitigate any perceived negative impacts.
- The private dining operation was in place for over 3 years (before the violation was identified) with no objections from the neighborhood.
- The surrounding land uses are mixed, including heavy industrial, commercial and public facilities.
- Nearly all changes to the building needed to accommodate the use are already complete, and were done before the historic district was in place.
- Minor alterations may be needed to address ADA and noise issues, but these changes can be made on the south elevation, away from the historic district.
- There is no line of sight between the subject property and the historic district.
- The proposed use is exactly the type of thing the Neighborhood Association wants to encourage and has been met with "overwhelming neighborhood support."

It was noted that stipulated zoning is a new concept for Lawrence, brought about with the recently adopted new Code.

Hickam asked if the applicant's had spoken with Planning Staff when the building was modified in 2002 and if they had been clear about the intended private dining use, since this issue should have been identified at that time. Mr. Maxwell said the project went through Board of Zoning Appeals review and that "a previous director of planning" had discussed the project with the Krause's.

Meyer said it would have been wise to look into the zoning question before putting so much money into the project. Mr. Maxwell said the applicant's admitted openly that the

private dining use had been in violation, but noted that the use was removed when the violation was found, and that the only question today was whether it was a suitable fit for the neighborhood. He reiterated that the building modifications were not at issue here and had never been a violation, only the use.

Alstrom noted the Staff Report comment that there were no documents provided supporting the claim that the proposed use would be compatible with the surrounding area. Mr. Maxwell said the use would be just as compatible as it was today, since no further exterior changes were proposed. He stated again that the exterior modifications done previously were not subject to HRC review because the East Lawrence Historic District was not established at that time.

It was discussed that it was unusual for the HRC to review only use, not structure.

The Commission questioned the applicant's claim that there were "no complaints" about the business, since there were several letters of opposition in their packets. Mr. Maxwell clarified that no complaints were made to the City while the business was operating. It was suggested that the neighbors might not have understood what was going on at the property, since the business was not operating legally.

There was discussion about the history of businesses operating out of private residences in this neighborhood, both legally and illegally. Mr. Maxwell said he hoped this case would set a good precedent for other operations coming forward to bring more of the existing mixed uses of the area into conformance.

Hickam pointed out that all the written communications provided were in opposition to the proposal, and the applicant had only anecdotal evidence of "strong neighborhood support." Ms. Zollner said several letters of support were submitted to the Planning Commission and several speakers expressed their support at the August Planning Commission meeting.

#### **PUBLIC COMMENT**

Ron Schneider spoke on behalf of his client, Dave Evans, the adjacent neighbor "most impacted by this request." Mr. Evans' primary concerns centered on noise, smoke and privacy associated with the Krause's customers congregating outside before and after their party. Mr. Schneider said that, if additional stipulations could be agreed upon to mitigate these concerns, Mr. Evans would have no remaining opposition.

Mr. Schneider said it should be understood that the proposed business would not serve the neighborhood - very few East Lawrence residents could afford this kind of dining experience.

Mr. Schneider said the President of the ELNA had provided a letter stating that the Association voted 8-1 against the proposal. With this in mind, Mr. Evans wished the Commission to consider his main points of concern:

- A. Noise
- B. Smoking

- C. Parking
- D. Impact on the visual aesthetics of the neighborhood
- E. Impact on the character of the neighborhood and the environs

Mr. Schneider explained that some of these factors had a direct effect on his client's use of his own property while others posed a more general environmental impact to the entire area. If these concerns could be adequately met in a manner that all parties could agree upon, Mr. Evans said he would withdraw his voice of opposition.

Mr. Schneider said there had been a recent meeting between Mr. Evans and the Krause's, where they discussed the possible enclosure of the current patio on the subject property for use specifically as a gathering place for the Krause's customers. Mr. Evans said this, in conjunction with other covenants to be recorded with the Register of Deeds, would suitably address his concerns.

It was noted that the referenced covenants would echo the zoning ordinance but would give the neighborhood some assurance that enforcement of the rules would be possible.

### **COMMISSION DISCUSSION**

The Commission expressed concern about the patio enclosure design, since this was not part of the current request and had been given no Staff review. It was verified that this kind of modification to the property would have to go through the normal full review process.

Sizemore spoke about the multiple factors involved in determining the business's impact on the neighborhood and the environs, including hours of operation, deliveries, traffic generation, etc. Although these elements were not specifically addressed in the presentation, he felt comfortable saying the proposal would be appropriate in relation to the nearby district. However, he pointed out, this did not answer the question of how the use would fit the residential character of the environs. He said the dialogue between the applicants and other area residents was encouraging.

Hickam said there were several issues for potential comment, but tonight's review should strictly relate to the suitability of the proposed zoning for the environs – whether this use was consistent with the history of use in the area and on the property. He said he did not have great concern in supporting that single element, but he had significant concerns about the other issues that were not at hand tonight but were still troubling, including

- The negative impact of this proposal on nearby historic properties that were not yet protected by a district.
- Giving an impression of "rewarding bad behavior," i.e. giving approval to a facility that had been operating without the proper permissions.
- Changes already made to the structure have damaged the historic nature of the property.

Veatch expressed support for the Staff recommendation, saying the guidelines required a compelling reason for rezoning from a properties historic zoning. This property was historically zoned and used as a residence and he did not see adequate cause to

approve a change. If the Commission were going to consider such a change, they would need to see documentation of how the negative impacts would be mitigated.

It was suggested that many of the Commission's concerns, while valid, were under the purview of other Boards and Commissions.

**ACTION TAKEN**

Motioned by Veatch, seconded by Marvin to deny the Certified Local Government Review for the rezoning request at 917 Delaware Street, based on the factors identified in the Staff Report and a determination that it would encroach upon, damage or destroy the environs of a listed property.

Motion carried unanimously, 6-0

**ITEM NO. 6: DR-07-84-06** W. 12<sup>th</sup> and Indiana Streets; Demolition and New Construction; Certified Local Government Review. The property is located in the environs of the Hancock Historic District and the Jane A. Snow Residence (706 W. 12<sup>th</sup>), National Register of Historic Places. Submitted by Skyscapes of Lawrence LLC, the property owner of record.

*Item 6 was deferred prior to the meeting.*

**ITEM NO. 7: DR-08-90-06** 1011 Vermont Street; Exterior Modifications; Certified Local Government Review. The property is located in the environs of Watkins Bank (1047 Massachusetts) and Lawrence's Downtown Historic District, National Register of Historic Places. The property is also located in the Downtown Conservation Overlay District. Submitted by Robert Junk of Junk Architects for Trinity Episcopal Church, the property owner of record.

### **STAFF PRESENTATION**

Staff showed pictures of the subject property, noting area for proposed enclosure.

### **APPLICANT PRESENTATION**

Robert Junk, Junk Architects, spoke on behalf of the church, noting the presence of many members of the church's property committee. He explained the church's intent to make modifications for security purposes, enclosing the fire stair to the second level of the parish hall and the colonnade to keep people from sleeping overnight in these currently open areas.

The applicants did not feel the proposed changes would negatively impact the character of the building or the area, noting that the modifications would actually return the colonnade to its original intended use as the main entry and circulation point.

On this point, it was clarified that the church would be removing four existing windows and replacing them with a door entry. This was not included in the Commission's review due to a misunderstanding over whether this should be considered an interior or exterior modification.

There was discussion about the method of attachment or "fill" between the pillars of the colonnade. Commissioner Alstrom suggested a different style would be better suited to the style and character of the building, referencing specific types of Portuguese architecture and alternate materials (wood) and/or colors.

Mr. Junk responded to questioning that the colonnade was built in 1969 to connect two separate structures.

### **PUBLIC COMMENT**

No member of the public spoke on this item.

### **COMMISSION DISCUSSION**

Commissioner Marvin expressed concern about the potential removal of existing windows without historic review and asked if the rest of the Commission shared these concerns.

Commissioner Sizemore said, given the obvious pressures on this space, this could be considered a good adaptive reuse of the existing architectural elements, particularly since it would increase the use of the colonnade as an entry point.

Commissioner Meyer noted that, as an environs review, this proposal was subject to a different level of review than if they were talking about a listed property. She added

that her personal opinion about the look of the proposal was irrelevant; her primary concern was for the impact of the change on the environs.

Commissioner Hickam said he had grown up near this area and still appreciated the view when he walked by. Although he was sorry this change had to come about in this manner, he understood the church was trying to make the best of a bad situation.

**ACTION TAKEN**

Motioned by Veatch, seconded by Hickam to approve the Certified Local Government Review for the project at 1011 Vermont Street, 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 conditions:

1. The applicant sufficiently complete the site plan process pursuant to Chapter 20, Article 13 of the Code of the City of Lawrence, if required by the Director of Planning, as well as obtain any necessary variances from the Board of Zoning Appeals;
2. The applicant apply for permission from Neighborhood Resources to construct a fence over six feet in height;
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 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

Motion carried unanimously, 6-0.

**ITEM NO. 8: DR-08-91-06** 824 Ohio Street; Rehabilitation and New Addition; Certified Local Government Review. The property is located in the environs of the Old West Lawrence Historic District, National Register of Historic Places. Submitted by Dan Riedemann of Nineteenth Century Restoration for Dan Schriener, the property owner of record.

**STAFF PRESENTATION**

Staff showed photographs of the property elevations, noting the areas proposed for rehabilitation and the new addition.

**APPLICANT PRESENTATION**

Dan Riedemann spoke on behalf of the applicant, saying he was honored to be working on the second rehabilitation project in this block, saving what had been two of the most disruptive and misused homes on the block.

Mr. Riedemann described the proposal, explaining how the design had come about. He pointed out elements used to link what remained of the original home to the proposed new addition, including a rear gable and flat addition roof. He said the applicant intended to match the materials as much as possible when replacement was necessary.

There was discussion about the proposed dormer on the north façade. Mr. Riedemann explained there had been a very small porch in this area when they bought the house. The porch had been made unusable by interior changes made by the previous owner. Mr. Riedemann said Mr. Walthall of the Neighborhood Resources Department had told them to remove the porch because it was in a state of dangerous disrepair.

It was verified that the applicant intended to repair and/or replace all wooden windows. Staff recommended specific conditions to cover but retain noted window openings so they could be reestablished in the future.

The Commission clarified with staff what information was still needed for a complete staff review and official recommendation.

The Commission discussed additional design details with the applicant.

Mr. Reidemann responded to questioning that the applicant proposed complete rehabilitation of the existing ancillary structure.

**PUBLIC COMMENT**

No member of the public spoke on this item.

**COMMISSION DISCUSSION**

There was discussion about whether the level of missing information warranted another full Commission hearing, or if the Commission was comfortable moving ahead with the item with a condition for ARC review.

**ACTION TAKEN**

Motioned by Hickam, seconded by Veatch to approve the Certified Local Government Review for the project at 824 Ohio Street, 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 conditions:

1. Complete construction documents with material notations, to be approved by the Architectural Review Committee;
2. The applicant seal and keep in place the historic window on the second floor of the rear elevation;
3. Any changes to the approved project will be submitted to the Historic Resources Commission prior to the commencement of any related work.

Motion carried 4-1-1, with Meyer in opposition and Alstrom abstaining.

## **ITEM NO. 9: MISCELLANEOUS MATTERS**

- A. Review of any demolition permit applications received since the August 17, 2006 regular meeting.

Ms. Zollner said there was one demolition permit for Commission review. The ancillary structure located at 1144 Rhode Island Street was severely damaged when a tree fell on the building. Neighborhood Resources deemed the structure a significant hazard and recommended immediate removal of the damaged structure. Staff concurred with this assessment.

There was discussion about the proposed demolition request. Staff verified that the structure was listed as a contributing structure to the North Rhode Island Street Historic District, National Register of Historic Places. If the structure were to be repaired, staff had concern as to how much historic material would remain.

### **ACTION TAKEN**

Motioned by Hickam, seconded by Veatch to approve the Certified Local Government Review for the demolition of the ancillary structure located at 1144 Rhode Island Street, based on information from Neighborhood Resources that the structure is an immediate safety concern and the removal of the severely damaged structure will not encroach upon, damage or destroy any listed property or its environs.

Motion carried unanimously, 6-0.

- B. Architectural Review Committee and Administrative Reviews since the August 17, 2006 regular meeting.

There were no ARC meetings for discussion.

### Administrative Reviews

DR-08-85-06 1008 Mississippi Street; Deck Repair and Foundation Modifications; Certified Local Government Review. The property is located in the environs of the Michael D. Greenlee House (947 Louisiana), National Register of Historic Places. Submitted by Chaffee Carpentry Inc. for Del Hedgepath, the property owner of record.

DR-08-86-06 1119 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 Watkins Bank (1047 Massachusetts), the Douglas County Courthouse (1100 Massachusetts), National Register of Historic Places and South Park (1140 and 1141 Massachusetts), Lawrence Register of Historic Places. The property is also located in the Downtown Conservation Overlay District. Submitted by Juhyun Cho for Qandil Properties LC, the property owner of record.

DR-08-87-06 726 Massachusetts Street; Awning; Certified Local Government Review and Certificate of Appropriateness Review. The property is listed as a non-contributing

structure to Lawrence's Downtown Historic District, National Register of Historic Places. The property is located in the environs of the Eldridge Hotel (701 Massachusetts) and the United States Post Office (645 New Hampshire), 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 Ryan Schurle of Schurle Signs Inc. for Jean Hetzel, the property owner of record.

DR-08-88-06 844 Massachusetts Street; Awning; 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. 9<sup>th</sup>) and the North Rhode Island Historic District, National Register of Historic Places. The property is also located in the Downtown Conservations Overlay District. Submitted by Ponca Products Inc for Duane Kraft, the property owner of record.

DR-08-89-06 1011 Vermont Street; Roof Repair; Certified Local Government Review. The property is located in the environs of Watkins Bank (1047 Massachusetts) and Lawrence's Downtown Historic District, National Register of Historic Places. The property is also located in the Downtown Conservation Overlay District. Submitted by Robert Junk of Junk Architects for Trinity Episcopal Church, the property owner of record.

#### **ACTION TAKEN**

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

Motion carried unanimously, 6-0.

- C. Provide comment on variance (BZA) requests received since August 17, 2006.

There were no BZA requests for consideration

- D. General public comment.

Dennis Brown, Lawrence Preservation Alliance, invited members of the Commission and public to attend the annual meeting of LPA to be held at the Castle Tea Room on Sunday. Refreshments will be served.

- E. Miscellaneous matters from City staff and Commission members

There were no additional items for consideration.

**ADJOURN – 9:15 p.m.**