
LAWRENCE HISTORIC RESOURCES COMMISSION
ITEM NO. 6: DR-4-45-09
STAFF REPORT

A. SUMMARY

DR-4-45-09 135 & 137 Pawnee Ave; Rezoning; Certified Local Government Review. The property is in the environs of Haskell – Pushmahata Hall, National Register of Historic Places. Submitted by Landplan Engineering, P.A. for Haskell Light Inc, the property owner of record.

B. PROJECT DESCRIPTION

The applicant is requesting the properties located at 135 and 137 Pawnee Avenue be rezoned from RS5 to RSO.



East elevation of both structures.



North elevation of Pawnee Ave.

C. STANDARD FOR REVIEW

For Certified Local Government Review of projects within the environs of listed properties, the Historic Resources Commission has typically used the Standards and Guidelines for Evaluating the Effect of Projects on Environs to evaluate the proposed project. Therefore, the following standards apply to the proposed project:

- 1. The character of a historic property's environs should be retained and preserved. The removal or alteration of distinctive buildings, structures, landscape features, spatial relationships, etc. that characterize the environs should be avoided.*
- 2. The environs of a property should be used as it has historically been used or allow the inclusion of new uses that require minimal change to the environs' distinctive materials, features, and spatial relationships.*

- 3. The environs of each property will be recognized as a physical record of its time, place, and use. Changes to the environs that have acquired historic significance in their own right should be retained and preserved.*
- 4. Demolition of character-defining buildings, structures, landscape features, etc. in a historic property's environs should be avoided. When the severity of deterioration requires removal within the environs, compatible reconstruction shall occur.*
- 5. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures shall be undertaken.*
- 6. New additions, exterior alterations, infill construction, or related new construction should not destroy character-defining features or spatial relationships that characterize the environs of a property. The new work shall be compatible with the historic materials, character-defining features, size, scale and proportion, and massing of the environs.*
- 7. Moved historic properties that have not retained or acquired historic significance in their new environs shall be considered as artifacts without environs.*

Specifically, the standards and guidelines identify

ZONING

Recommended

Maintain zoning that continues the histories land use in the environs of a listed property.

When rezoning is required within the environs of a listed property, the impact of the rezoning should be considered and steps taken to mitigate adverse effects.

Not Recommended

Rezoning to allow development that is incompatible and/or inconsistent with the character of the environs.

Speculative or spot zoning without a well-defined use for the property that is compatible with the environs.

Any rezoning without design documents indicating the compatibility of the proposed new use, addition, and/or infill construction.

D. STAFF ANALYSIS

The properties located at 135 and 137 Pawnee Avenue are currently zoned RS5. The applicant is seeking rezoning to RSO to allow for a student center use without a special use permit. Haskell Light, Inc. has been in existence and using the structure located at 137 Pawnee for approximately 30 years.

The primary purpose of the RS districts is to accommodate predominantly single detached dwelling units on individual lots. The districts are intended to create, maintain and promote housing opportunities for individual households, although they do permit nonresidential uses

that are compatible with residential neighborhoods. The RS districts are primarily differentiated on the basis of the required minimum lots size. The RS5 district requires a minimum lot size of 5,000 square feet.

The RSO district is a single dwelling residential office district. The primary purpose of the RSO district is to accommodate low to medium-intensity administrative and professional offices that are compatible with the character of low and medium density residential neighborhoods. The district is also intended to be used as a transitional zoning district between higher intensity commercial areas and residential neighborhoods. The district allows detached dwellings, duplexes, attached dwellings and administrative and professional office uses which may be combined in the same structure. Uses permitted in the RSO district that are not permitted in the RS5 district include: duplexes, assisted living (permitted in the RS5 with special use permit), adult day care home (permitted in the RS5 with special use permit), funeral and interment (special use), homeless or transient shelter (special use), community meal program (special use), extended care facility general (special use), health care office, clinic, center, outpatient care facility (standard applies), veterinary, administrative and professional office, financial insurance and real estate office, and other office, accessory parking facilities, commercial parking facilities (special use), personal improvement retail sales and service, and communications service establishment.



View of 137 Pawnee and the arch at Haskell Indian Nations.



South elevation of museum at Haskell Indian Nations.

The existing structure located at 137 Pawnee has housed Haskell Light for approximately thirty years. The existing use appears to be compatible with the Breezedale neighborhood and with Haskell Indian Nations University. Future plans for the applicant include the demolition of the two structures located at 137 and 135 Pawnee Avenue and their replacement with a larger single structure to house the student center activities. At this time, the applicant anticipates that this development will be approximately four to six years in the future. The applicant is seeking the rezoning of the property at this time to help with the capital campaign for the new structure.

137 Pawnee is within the 500' notification boundary for Pushmahata Hall and has a direct line of site to the southwest corner of Pushmahata Hall. Built in 1929, Pushmahata Hall is identified in the

National Historic Landmark nomination as the administration building. Directly to the east and just 567' from 137 Pawnee, the Haskell Arch has a direct line of site to the subject properties. To the west approximately 500' with a minimal line of sight is the Breezedale Historic District.

Environs review begins with the identification of the character-defining features of the environs, its historic and current character, and what must be retained in order to preserve that character. The character of a listed property's environs may be defined by form; exterior materials such as masonry, wood or metal; exterior features and elements such as roofs, porches, windows or construction details; as well as size, scale and proportion, massing, spatial relationships, etc. After identifying those materials and features that are important, the effect of the proposed work on the environs of a listed property must be determined. Work that generally involves the least degree of intervention is recommended. Interior alterations of properties within the environs of a listed property have little, if any, impact on the listed property. Exterior alterations of properties in the environs of a listed property are generally needed to assure continued use, but it is important that such alterations do not change, obscure, or destroy any character-defining spaces, materials, features and/or relationships.

At this time, the applicant is not proposing any exterior alterations. The only request is for the rezoning of the property to allow for the student center use as a social service agency under the community facilities use group category.

The two guidelines identified in the Standards and Guidelines for Evaluating the Effect of Projects on Environs to evaluate the proposed project include:

Maintain zoning that continues the historic land use in the environs of a listed property.

When rezoning is required within the environs of a listed property, the impact of the rezoning should be considered and steps taken to mitigate adverse effects.

Staff is of the opinion that while the proposed use requires rezoning under the current zoning code, the use of the Haskell Light student center has been ongoing for approximately 30 years. The use has been compatible with the environs of the listed historic properties. In effect, the rezoning request will allow the compatible use to continue. However, the rezoning of the property could also result in other uses that would not be as compatible to the environs of the Breezedale Historic District or the listed historic properties on the University campus. The guidelines identify that the impact of the rezoning should be considered and steps taken to mitigate adverse effects. One way to mitigate the adverse effects of the rezoning would be to only allow for the use that is currently compatible. If the rezoning were restricted to the existing uses of RS5 and the student center/social service agency use, the rezoning would not adversely impact the listed historic properties. It should be noted, however, that future development would need to be carefully designed to be compatible with the listed properties. While the specific plans for redevelopment are not available at this time, staff understands the need for appropriate zoning to help with the capital campaign.

The mitigation of restricting the zoning to the uses currently allowed in the RS5 with the addition of the social service use allowed in the RSO and the condition of the future demolition and new construction to be reviewed and approved by the HRC would allow this rezoning request to meet

the intent of Standards and Guidelines for Evaluating the Effect of Projects on Environs. If the City Commission does not approve the conditional zoning, the rezoning request should return to the HRC for further review.

E. STAFF RECOMMENDATION

In accordance with the Standards and Guidelines for Evaluating the Effect of Projects on Environs, the standard of evaluation, staff recommends the Commission approve the proposed project with the following conditions, and make the determination that the proposed project does not encroach upon, damage, or destroy the environs of the listed historic properties.

1. Recommendation to the Planning Commission and the City Commission that the zoning be conditioned to allow only the uses allowed in RS5 and the student center/social service agency use.
2. Any changes to the approved project, including future demolition and new construction, will be submitted to the Historic Resources Commission for review and approval prior to the commencement of any related work;
3. The property owner will allow staff access to the property to photo document the project before, during, and upon completion of the project.
3. This recommendation is given with the understanding that the City Commission must approve the associated rezoning. Approval of this request by staff or the HRC does not guarantee the City Commission will approve the associated zoning.