

RESOLUTION NO. 6791

A RESOLUTION OF THE CITY OF LAWRENCE, KANSAS, MAKING CERTAIN  
FINDINGS CONCERNING THE DEMOLITION OF THE STRUCTURE LOCATED AT  
1232 LOUISIANA STREET

*Whereas*, 1240 Louisiana Street Associates, LLC, proposes to demolish the structure located at 1232 Louisiana Street (hereinafter "the Proposed Project"); and

*Whereas*, the Proposed Project will include the demolition of a structure located in the environs of two historic districts more fully described below; and

*Whereas*, pursuant to K.S.A. 75-2724(e)(1), the State Historic Preservation Officer may enter into an agreement authorizing a city to make recommendations or to perform any or all responsibilities of the State Historic Preservation Officer, if the Officer determines that the city has enacted a comprehensive local historic preservation ordinance, established a local historic preservation commission and is actively engaged in a local historic preservation program; and

*Whereas*, by an agreement dated March 31, 2003, the State Historic Preservation Officer authorized the City of Lawrence, Kansas, Historic Resources Commission to make recommendations and to perform responsibilities of the State Historic Preservation Officer in accordance with K.S.A. 75-2724(e); and

*Whereas*, on April 17, 2008, the City of Lawrence Historic Resources Commission conducted a public hearing and reviewed the Proposed Project for compliance with the State law; and

*Whereas*, on April 17, 2008, the City of Lawrence Historic Resources Commission found that the Proposed Project would encroach upon, damage or destroy the environs of the Hancock Historic District, National Register of Historic Places and the Oread Historic District, National Register of Historic Places, and that the Proposed Project did not meet the Kansas State Historical Society Standards and Guidelines for Evaluating the Effect of Projects on Environs; and

*Whereas*, K.S.A. 75-2724, and amendments thereto, provide for a hearing before the Governing Body upon such determination of the State Historic Preservation Officer, or such Officer's designated certified local government agency, including the Lawrence Historic Resources Commission to determine if there is a feasible and prudent alternative to the Proposed Project and that the program includes all possible planning to minimize harm to such historic property resulting from such use.; and

*Whereas*, 1240 Louisiana Street Associates, LLC, requested a hearing before the Governing Body of the City of Lawrence, Kansas seeking a determination by the Governing Body that: 1) no feasible and prudent alternative exists to the Proposed Project; 2) all possible planning has been provided to minimize the harm to the historic properties from the Proposed Project; and

*Whereas*, on June 10, 2008, the Governing Body of the City of Lawrence, Kansas conducted a public hearing to determine based on a consideration of all relevant factors that there is no feasible and prudent alternative to the Project and that the program includes all possible planning to minimize harm to the listed properties resulting from the Proposed Project; and

Whereas, on July 15, and August 12, 2008 the Governing Body received and considered additional relevant information and public comments on the matter during a regularly scheduled meeting of the Governing Body; and

Whereas, the Governing Body of the City of Lawrence, Kansas did examine the record of proceedings of the Historic Resources Commission and did receive such other information and public comments as came before it on the matter.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF LAWRENCE, KANSAS:

Section 1. The recitals set forth above are adopted by reference as if fully set forth herein.


Section 2. The Governing Body, after examination of all relevant factors, makes the following findings:

- a. The Proposed Project will remove a structure that has been determined by the Code Enforcement Manager to be unsafe and dangerous in its current condition and a detriment to the welfare of the surrounding neighborhood.
- b. The Proposed Project will allow for new development opportunities for the neighborhood and the City.
- c. The program includes all possible planning to minimize the harm to the listed properties. The planning includes:
  1. Complete documentation of the structure to be demolished shall be conducted by a professional that meets the National Park Service Professional Qualification Standards as prescribed in 36 C.F.R. 61 and shall include scaled drawings and photographs. No demolition permit shall be issued for the Project until the documentation is reviewed and approved by the Historic Resources Administrator. If the documentation is not submitted to the Historic Resources Administrator within 30 days from the adoption of this resolution, the City may produce the documentation with any cost associated with the documentation assessed to the property.
  2. The property will be rezoned to an appropriate zoning for the neighborhood. Such rezoning shall include conditions to mitigate potential harm to the listed properties and to ensure proper planning for the site.
  3. All future plans for the subject property will be reviewed by the State Historic Preservation Officer or the Lawrence Historic Resources Commission acting on behalf of the State for their compliance with the Kansas State Historical Society Standards and Guidelines for Evaluating the Effect of Projects on Environs.
  4. The property cannot be used as a parking lot once the structure on the property has been demolished.
  5. No building permit shall be issued for the property until the Oread Neighborhood Plan (originally adopted by the Lawrence-Douglas County Planning Commission on March 21, 1979) has been updated and approved by the City Commission.


6. All future plans and the issuance of any permits for the subject property shall be evaluated to minimize harm to the listed properties.

Section 3. The Governing Body hereby determines that based on the above findings and all other relevant factors that no feasible or prudent alternative exists to the Proposed Project and that the program includes all possible planning to minimize harm to historic properties resulting from the project. Additionally, based upon the findings set forth above, the Governing Body approves the request for a demolition permit for the Proposed Project pursuant to City Code and the above stated conditions.

**Adopted** by the Governing Body the 12<sup>th</sup> day of August, 2008.

  
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Michael Dever, Mayor

ATTEST:

  
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Frank S. Reeb, City Clerk