

**HISTORIC RESOURCES COMMISSION
AGENDA MEETING- FEBRUARY 17TH 2011--6:30 PM
ACTION SUMMARY**

Commissioners present: Wiechert, Smith, Veatch, Antle
Commissioners excused: Foster, Meyer, Williams
Staff present: Braddock Zollner, Parker, Nicoletta

ITEM NO. 1: ACTION SUMMARY

Commission Wiechert made one revision to the January 20, 2011 Action Summary.

ACTION TAKEN

Motioned by Commissioner Veatch, seconded by Commissioner Wiechert, to approve the January 20, 2011 Action Summary.

Motion carried unanimously, 4-0

ITEM NO. 2: COMMUNICATIONS

- a) Ms. Braddock Zollner stated she received two letters from the State Historic Preservation Officer. She said the Ferdinand Fuller House was reviewed and listed in the State register. Ms. Braddock Zollner stated the Lane-Duncan Stable would move forward in May, 2011.

Commissioner Wiechert asked Staff to explain how the order of approvals were determined.

Ms. Braddock Zollner stated the Historic Resources Commission was asked to comment on property that was being nominated for listing in the National Register as part of our CLG agreement. She said the Campus Historic Preservation Board agreement with the SHPO was under State Law and not the Federal Law.

- b) No declaration of abstentions from specific agenda items by commissioners.

ITEM NO. 3: DR-08-91-10 1043 Indiana Street; Demolition and New Construction; Certified Local Government Review. The property is located in the environs of the Oread Historic District, National Register of Historic Places. Submitted by Paul Werner Architects for Triple T LLC, the property owner of record.

Deferred

ITEM NO. 4: 711 Connecticut Street : DR-12-146-10, DR-01-04-11, DR-01-05-11 and DR-2-13-11; Demolition and New Construction, Site Plan, Rezoning; and Parking Variance; Certified Local Government Review and Certificate of Appropriateness Review. The property is located in the environs of Lawrence's Downtown Historic District and the North Rhode Island Street Historic Residential District, National Register of Historic Places. It is also located in the environs of the Octavius W. McAllaster Residence (724 Rhode Island), Lawrence Register of Historic Places. Submitted by Michael Tubbs of Tubbs Law Firm for James and Nancy Dunn, the property owners of record.

STAFF PRESENTATION

Ms. Nicoletta presented the item.

APPLICANT PRESENTATION

Michael Tubbs, Tubbs Law Firm, stated the structure's foundation had issues. He said he was not supportive of holding up the demolition permit while working out construction issues. Mr. Tubbs stated the structure was not in the line of site of the Octavius W. McAllaster residence and was not on the Historic Register. He said the property was not eligible for tax incentives and had been structurally condemned by the City of Lawrence in August, 2010. Mr. Tubbs stated the project would be reviewed by the Board of Zoning Appeals March 3, 2011, the Planning Commission March 30, 2011 and the City Commission on April 12, 2011. He said the architect for the project was willing to work with the Architectural Review Committee.

Commissioner Veatch asked Mr. Tubbs if he objected to condition number two in the staff report.

Mr. Tubbs asked the Board to release the demolition permit. He stated he was not opposed to the remaining conditions.

Commissioner Veatch said Staff would administratively approve the demolition permit after construction documents were provided.

Mr. Tubbs said he was concerned the project would be delayed.

PUBLIC COMMENT

Deron Belt, East Lawrence Neighborhood Association President, stated he respectfully disagreed with Mr. Tubbs. He said he was disappointed Mr. Dunn did not attend the neighborhood board meeting. Mr. Belt stated Mr. Dunn owned numerous properties in the area and the neighbors did not want to see the remaining property demolished due to neglect. He stated he was concerned with the transfer of ownership of the property.

Tony Peterson, 724 Rhode Island street, said he lived in the Octavius W. McAllaster home. He said he had watched the property at 711 Connecticut street decline for years. He stated there had been no maintenance on the home other than lawn mowing. Mr. Peterson asked the Board to deny the demolition request.

K.T. Walsh, 732 Rhode Island street, stated the Dunn's owned twenty three properties in Lawrence. She said she was strongly opposed to rewarding lack of investment and interest in a property. Ms. Walsh stated the property could be rehabilitated and at one time the owner of

the church had agreed to rehabilitate the house but the house was ignored. Ms. Walsh stated there had been an agreement with the owner of the church to tear down a house that was between 711 Connecticut and the church with the understanding 711 Connecticut Street would be restored. She said east Lawrence had the largest intact area of late early 21st century vernacular housing in the United States. Ms. Walsh asked Mr. Werner, Mr. Dunn, and Mr. Tubbs to attend an East Lawrence Neighborhood Association meeting and discuss the project further.

Mike Goans, Lawrence Preservation Alliance, displayed photos of the structure at 711 Connecticut Street and said the home could be restored. He stated the foundation was intact and the windows and floors could be restored. Mr. Goans stated the back porch had been added on to the home and was not worth saving. He said the trim was intact on the first floor and all of the trim on the second floor was missing. Mr. Goans stated the stairway in the home was intact. He said the rafters of the home were intact and the ridgeline and chimney were straight. Mr. Goans stated the lot had been paid for and rehabilitation would be more feasible than building a new structure.

Dennis Brown, Lawrence Preservation Alliance President, stated the home was on the front edge of the environs and the applicant was asking for the right to tear down a structure that could be restored. He said the pipes had burst due to the property owner not having the city water turned off in the home. Mr. Brown stated the home was character defining to the environs. He said a zoning change or parking variance would damage and encroach upon the historic district. Mr. Brown stated a new two story addition could be added to the west side of the structure. He stated the applicants replacement plan was not code compliant.

COMMISSION DISCUSSION

Commissioner Antle asked Ms. Braddock Zollner to explain Staff's recommendations.

Ms. Braddock Zollner stated she recommended approval of the Certificate of Appropriateness. She stated RM32 zoning was not appropriate for the neighborhood and the variance request was premature.

Commissioner Antle asked Staff if the property would qualify for tax credits.

Ms. Braddock Zollner said the property was adjacent to the historic district. She stated the house individually would not qualify for a listing but it could potentially contribute to an expansion of the historic district.

Commissioner Veatch stated ordinarily the Board would want to see cost comparisons for rehabilitation versus replacement cost.

Ms. Braddock Zollner stated Natural Breeze had provided a letter with cost estimates.

Paul Werner stated new construction would cost \$107.50 a square foot and renovation would cost \$119 a square foot.

Commissioner Antle asked Mr. Werner if rehabilitation would be economically feasible with the addition replaced.

Mr. Werner stated a nice new structure would fit in with the neighborhood just as well as the current structure.

Mr. Tubbs stated a licensed engineer reviewed the project. He said the East Lawrence Neighborhood Association and the Lawrence Preservation Alliance took photos but they did not include the most severe damage to the structure. He said there was severe water damage that compromised the upper floors and the entire south side of the structure. Mr. Tubbs stated the City water had been turned off in the home and he did not know when it had been turned back on and caused the damage. He stated he was in the home in December and the water was not turned on.

Commissioner Antle asked Mr. Tubbs if the structure was a case of demolition by neglect.

Mr. Tubbs stated he disagreed the structure was neglected due to the fact there had been attempted maintenance on the house.

Ms. Walsh stated the county records list the home as a religious institution and she was concerned the home would be sold to the church and become a rehab house.

Ms. Braddock Zollner stated the owner of the home does not concern City Staff. She said at the time of the condemnation the structure was a three dwelling units and was not habitable. She said the addition on the house was in bad shape and the remainder of the home needed a lot of work. She said she was surprised the foundation was in the condition it was. Ms. Braddock Zollner stated the City had condemned the home.

Commissioner Veatch stated historic structures were character defining features of the environs and the home was next to the historic district.

Commissioner Antle asked Mr. Goans if the structure could be rehabilitated.

Mr. Goans stated the engineers report was very negative but if the property was his responsibility he would rehabilitate the home and turn it into a single family home.

Commissioner Antle said the project was at the edge of the district. He stated there was an opportunity for the applicant to work with the neighborhood to rehabilitate the structure.

ACTION TAKEN

Motioned by Commissioner Veatch, seconded by Commissioner Antle, to deny the State Law Review for the demolition and new construction, DR-12-146-10, for 711 Connecticut Street.

Motion carried unanimously, 4-0

ACTION TAKEN

Motioned by Commissioner Veatch, seconded by Commissioner Antle, to approve the Certificate of Appropriateness for the demolition and new construction, DR-12-146-10, for 711 Connecticut Street, with the following conditions as listed in the staff report:

1. The applicant will work with the Architectural Review Committee to reduce the size of the addition, refine architectural elements such as the porch, and reduce the amount of impervious surface and parking ;
2. The applicant will provide measured drawings of the structure before the

demolition permit is released;

3. The applicant will board and secure the structure until demolition;
4. The applicant provide complete construction documents, with material notations to be reviewed and approved by the Historic Resources Administrator prior to release of the demolition permit and the building permit for new construction;
5. Any changes to the approved project will be submitted to the Historic Resources Commission prior to the commencement of any related work;
6. The property owner will allow staff access to the property to photo document the project before work commences, during construction, and upon completion of the project.

Motion carried unanimously, 4-0

ACTION TAKEN

Motioned by Commissioner Veatch, seconded by Commissioner Antle, to deny the State Law Review for the Site Plan, DR-1-4-11, for 711 Connecticut Street.

Motion carried unanimously, 4-0

ACTION TAKEN

Motioned by Commissioner Veatch, seconded by Commissioner Antle, to approve the Certificate of Appropriateness for the Site Plan, DR-1-4-11, for 711 Connecticut Street, with the following conditions as listed in the staff report:

1. The applicant will work with the Architectural Review Committee to reduce the size of the addition, refine architectural elements such as the porch, and reduce the amount of impervious surface and parking;
2. The applicant will provide measured drawings of the structure before the demolition permit is released;
3. The applicant will board and secure the structure until demolition;
4. The applicant provide complete construction documents, with material notations to be reviewed and approved by the Historic Resources Administrator prior to release of the demolition permit and the building permit for new construction;
5. Any changes to the approved project will be submitted to the Historic Resources Commission prior to the commencement of any related work;
6. The property owner will allow staff access to the property to photo document the project before work commences, during construction, and upon completion of the project.

Motion carried unanimously, 4-0

ACTION TAKEN

Motioned by Commissioner Veatch, seconded by Commissioner Antle, to deny the State Law Review and Certificate of Appropriateness, for the Rezoning, DR-1-5-11, for 711 Connecticut Street.

Motion carried unanimously, 4-0

ACTION TAKEN

Motioned by Commissioner Veatch, seconded by Commissioner Antle, to deny the State Law Review and Certificate of Appropriateness, for the Parking Variance, DR-2-13-11, for 711 Connecticut Street.

Motion carried unanimously, 4-0

Commissioner Antle encouraged the applicant to work with the neighborhood for a rehabilitation project for 711 Connecticut street.

ITEM NO. 5: DR-12-149-10 803-807 New York Street (313 E 8th Street); Rezoning; Certified Local Government Review. The property is located within the environs of the North Rhode Island Street Historic Residential District, National Register of Historic Places. Submitted by John H. Flanders for R&B Holdings, LC, property owner of record.

STAFF PRESENTATION

Ms. Braddock Zollner presented the item and explained that the applicant could not be here this evening. Ms. Braddock Zollner stated that she had spent an hour on the phone with the applicant earlier in the day and would try to answer any questions the Commission might have.

APPLICANT PRESENTATION

The applicant was not present.

PUBLIC COMMENT

KT Walsh stated the East Lawrence Neighborhood Association agreed with Staff's recommendations. She stated the Association would appear at the Planning Commission meeting and ask for Drive-thru restaurants and Pay-Day Loans be accepted.

COMMISSION DISCUSSION

Commissioner Veatch asked if the Commission was satisfied with the applicant's letter of explanation.

Ms. Braddock Zollner stated the property was non-conforming but allowed automotive uses. She said the applicant wanted commercial uses to be allowed that were not as intense as automotive.

ACTION TAKEN

Motioned by Commissioner Smith, seconded by Commissioner Veatch, to approve the project at 803-807 New York Street, with the following conditions, as listed in the staff report:

1. Any changes to the approved project will be submitted to the Historic Resources Commission prior to the commencement of any related work.

Motion carried unanimously, 4-0

ITEM NO. 6: DR-07-65-10 1403 Tennessee Street; Rezoning; Certified Local Government Review. These properties are within the environs of the Usher House (1425 Tennessee St) and the Priestly House (1505 Kentucky St), National Register of Historic Places. Submitted by Paul Werner Architects for DJC Holdings LLC, the property owner of record.

STAFF PRESENTATION

Ms. Nicoletta presented the item.

APPLICANT PRESENTATION

Joy Rhea, Paul Werner Architects, stated the applicant agreed with the staff report.

PUBLIC COMMENT

No one from the public spoke to this item.

COMMISSION DISCUSSION

Commissioner Antle asked Ms. Rhea what the plan was for the properties.

Ms. Rhea stated the property was non-conforming. She said the whole area was being rezoned as mixed use in accordance with the new Oread Neighborhood Plan.

ACTION TAKEN

Motioned by Commissioner Veatch, seconded by Commissioner Antle, to approve the rezoning at 1403 Tennessee Street, with the following conditions as listed in the staff report:

1. The applicant will work with the Historic Resources Administrator in the design process to create future development;
2. Future development along 14th Street must include a break of 16' with access to the rear of the property line;
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 unanimously, 4-0

ITEM NO. 7: DR-07-66-10 1400 Ohio Street; Rezoning; Certified Local Government Review. These properties are within the environs of the Usher House (1425 Tennessee St), National Register of Historic Places. Submitted by Paul Werner Architects for Wakarusa Partners, the property owner of record.

STAFF PRESENTATION

Ms. Nicoletta presented the item.

APPLICANT PRESENTATION

Ms. Joy Rhea presented the rezoning for 1400 Ohio street.

PUBLIC COMMENT

No one from the public spoke to this item.

COMMISSION DISCUSSION

There was no Commission discussion.

ACTION TAKEN

Motioned by Commissioner Veatch, seconded by Commissioner Smith, to approve the rezoning at 1400 Ohio Street, with the following conditions as listed in the staff report:

1. The applicant will work with the Historic Resources Administrator in the design process to create future development;
2. Future development along 14th Street must include a break of 16' with access to the rear of the property line;
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 unanimously, 4-0

ITEM NO. 8: DR-07-68-10 413 W 14th Street; Rezoning; Certified Local Government Review. These properties are within the environs of the Usher House (1425 Tennessee St) and the Priestly House (1505 Kentucky St), National Register of Historic Places. Submitted by Paul Werner Architects for DJC Holdings LLC, the property owner of record.

STAFF PRESENTATION

Ms. Nicoletta presented the item.

APPLICANT PRESENTATION

Ms. Joy Rhea presented the rezoning for 413 W 14th street.

PUBLIC COMMENT

No one from the public spoke to this item.

COMMISSION DISCUSSION

There was no Commission discussion.

ACTION TAKEN

Motioned by Commissioner Veatch, seconded by Commissioner Wiechert, to approve the rezoning at 413 W 14th Street, with the following conditions as listed in the staff report:

1. The applicant will work with the Historic Resources Administrator in the design process to create future development;
2. Future development along 14th Street must include a break of 16' with access to the rear of the property line;
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 unanimously, 4-0

ITEM NO. 9: DR-01-06-11 1340 Tennessee Street; Rezoning; Certified Local Government Review. These properties are within the environs of the Usher House (1425 Tennessee St), National Register of Historic Places. Submitted by Paul Werner Architects for Gremlin Holdings, the property owner of record.

STAFF PRESENTATION

Ms. Nicoletta presented the item.

APPLICANT PRESENTATION

Ms. Joy Rhea presented the rezoning for 1340 Tennessee street.

PUBLIC COMMENT

No one from the public spoke to this item.

COMMISSION DISCUSSION

There was no Commission discussion.

ACTION TAKEN

Motioned by Commissioner Veatch, seconded by Commissioner Smith, to approve the rezoning at 1340 Tennessee Street, with the following conditions as listed in the staff report:

1. The applicant will work with the Historic Resources Administrator in the design process to create future development;
2. Future development along 14th Street must include a break of 16' with access to the rear of the property line;
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 unanimously, 4-0

ITEM NO. 10: DR-01-07-11 1344 Tennessee Street; Rezoning; Certified Local Government Review. These properties are within the environs of the Usher House (1425 Tennessee St) and the Priestly House (1505 Kentucky St), National Register of Historic Places. Submitted by Paul Werner Architects for Lynn Investments LLC, the property owner of record.

STAFF PRESENTATION

Ms. Nicoletta presented the item.

APPLICANT PRESENTATION

Ms. Joy Rhea presented the rezoning for 1344 Tennessee street.

PUBLIC COMMENT

No one from the public spoke to this item.

COMMISSION DISCUSSION

There was no Commission discussion.

ACTION TAKEN

Motioned by Commissioner Veatch, seconded by Commissioner Wiechert, to approve the rezoning at 1344 Tennessee Street, with the following conditions as listed in the staff report:

1. The applicant will work with the Historic Resources Administrator in the design process to create future development;
2. Future development along 14th Street must include a break of 16' with access to the rear of the property line;
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 unanimously, 4-0

ITEM NO. 11: DR-01-08-11 1343 Tennessee Street; Rezoning; Certified Local Government Review. These properties are within the environs of the Usher House (1425 Tennessee St), National Register of Historic Places. Submitted by Paul Werner Architects for TK Properties LLC, the property owners of record.

STAFF PRESENTATION

Ms. Nicoletta presented the item.

APPLICANT PRESENTATION

Ms. Joy Rhea presented the rezoning for 1343 Tennessee street.

PUBLIC COMMENT

No one from the public spoke to this item.

COMMISSION DISCUSSION

There was no Commission discussion.

ACTION TAKEN

Motioned by Commissioner Veatch, seconded by Commissioner Smith, to approve the rezoning at 1343 Tennessee Street, with the following conditions as listed in the staff report:

1. The applicant will work with the Historic Resources Administrator in the design process to create future development;
2. Future development along 14th Street must include a break of 16' with access to the rear of the property line;
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 unanimously, 4-0

ITEM NO. 12: MISCELLANEOUS MATTERS

- A. There were no Board of Zoning Appeals applications received since January 20, 2011.
- B. There was no demolition permits received since the January 20, 2011 meeting.
- C. Review of Administrative and Architectural Review Committee approvals since January 20, 2011:

Ms. Braddock Zollner stated the Architectural Review committee was waiting on additional drawings for Connecticut Street.

Administrative Reviews

- DR-11-129-10 715 Tennessee Street; Mechanical HVAC; Certified Local Government Review. This property is a contributing structure to the Old West Lawrence Historic District and in the environs of the Downtown Historic District, National Register of Historic Places. Submitted by Keith and Mary Jeannette Skillman, property owner of record.
- DR-12-150-10 805 Massachusetts Street; Front Door Alteration; Certified Local Government Review and Certificate of Appropriateness Review. This property is a contributing structure to Lawrence's Downtown Historic District, National Register of Historic Places. It is within the environs of the House Building (729-731 Massachusetts St), Kansas Register of Historic Places and also within the bounds of the Urban Conservation Overlay District. Submitted by The Buckle for First Management Inc, property owner of record.
- DR-12-151-10 944 Kentucky Street (214 W 10th Street); Special Use Permit Renewal; Certified Local Government Review and Certificate of Appropriateness Review. This property is a non-contributing structure to the Oread Historic District, National and Kansas Register of Historic Places. It is within the environs of Lawrence's Downtown Historic District, National Register, the Plymouth Congregational Church (925 Vermont St), National and Kansas and Lawrence Register of Historic Places, as well as the Duncan House (933 Tennessee St), the Benedict House (923 Tennessee St) and the Blood House (015 Tennessee St), all on the National Register of Historic Places. Submitted by the Lawrence Community Shelter, Loring Henderson for the property owner of record.
- DR-12-152-10 831 New York Street; Addition; Certified Local Government Review. This property is within the environs of the North Rhode Island Historic District, National Register of Historic Places and the St Luke African Methodist Episcopal Church (900 New York St), National and Kansas Register of Historic Places. Submitted by Gordon Sailors and Paula Kellogg, property owners of record.

- DR-01-01-11 818 Massachusetts Street; Tenant Finish; Certified Local Government Review and Certificate of Appropriateness Review. This property is a contributing structure to Lawrence's Downtown Historic District, National Register of Historic Places and within the environs of the Taylor House, National Register of Historic Places. It is also within the Urban Conservation Overlay District. Submitted by Pickleman's Deli for G&P LC, property owner of record.
- DR-01-02-11 2025 New Hampshire Street; Interior Remodel, Exterior Alterations; Certified Local Government Review. The property is located in the environs of the George K. Mackie House (1144 Massachusetts), National Register of Historic Places. Submitted by Gregory Sanders, the property owner of record.
- DR-01-03-11 818 Massachusetts Street; Exterior Sign; Certified Local Government Review and Certificate of Appropriateness Review. This property is a contributing structure to Lawrence's Downtown Historic District, National Register of Historic Places and within the environs of the Taylor House, National Register of Historic Places. It is also within the Urban Conservation Overlay District. Submitted by Pickleman's Deli for G&P LC, property owner of record.

Commissioner Wiechert asked Ms. Braddock Zollner to explain the addition at 831 New York street.

Ms. Braddock Zollner stated the addition was a small two story addition in the rear of the structure.

Commissioner Veatch asked Ms. Braddock Zollner why the addition was not a full Commission review.

Ms. Braddock Zollner said the addition was reviewed administratively because the addition was less than 20% of the footprint of the structure and was within the environs.

ACTION TAKEN

Motioned by Commissioner Veatch, seconded by Commissioner Antle, to affirm the Administrative Reviews.

Motion carried unanimously, 4-0

- D. KT Walsh thanked Commissioner Antle and Commissioner Veatch for their time on the Historic Resources Commission.
- E. Ms. Braddock Zollner asked for a Commission volunteer to work with the Campus Preservation Board to review the environs definition for Lane Stable.

Commissioner Smith volunteered to work with the Campus Preservation Board.

Ms. Braddock Zollner presented Commissioner Veatch and Commissioner Antle with a plaque for their service on the Historic Resources Commission.

ACTION TAKEN

Motioned by Commissioner Veatch, seconded by Commissioner Wiechert, to adjourn the Historic Resources Commission meeting.

Motion carried unanimously, 4-0

ADJOURN –8:10p.m.