

**HISTORIC RESOURCES COMMISSION
AGENDA MEETING- FEBRUARY 16TH 2012--6:30 PM
ACTION SUMMARY**

Commissioners present: Tuttle, Arp, Wiechert, Meyer, Williams, Foster, Quillin
Staff present: Braddock Zollner, Parker, Groves

ITEM NO. 1: ACTION SUMMARY

ACTION TAKEN

Motioned by Commissioner Foster, seconded by Commissioner Tuttle, to approve the December 15, 2011 Action Summary.

Motion carried unanimously, 7-0

ACTION TAKEN

Motioned by Commissioner Foster, seconded by Commissioner Tuttle, to approve the January 19, 2012 Action Summary.

Motion carried unanimously, 7-0

ITEM NO. 2: COMMUNICATIONS

- a) Ms. Braddock Zollner stated all written communication received was included in the January 16th, 2012 Historic Resources agenda packet.
- b) Commissioner Foster stated his employer works with Treanor Architects on occasion, regarding Item 3. Commissioner Quillin stated she lives in the Barker Neighborhood, regarding Item 14. Commissioner Williams stated his mother-in-law leased property to Kwik Shop, regarding Item 14.

ITEM NO. 3: DR-12-185-11 900 New Hampshire Street; New Construction; Certified Local Government Review, Certificate of Appropriateness Review and Downtown Conservation Overlay District Review. The property is located in the environs of Lawrence's Downtown Historic District and the North Rhode Island Residential Historic District, National Register of Historic Places. The property is located in the environs of the Shalor Eldridge House, Register of Historic Kansas Places and the Social Service League building, Lawrence Register of Historic Places. The property is also located in the Downtown Conservation Overlay District and subject to the Downtown Design Guidelines. Submitted by Treanor Architects for 9-10 LC, the property owner of record.

STAFF PRESENTATION

Ms. Groves presented the item.

APPLICANT PRESENTATION

Micah Kimball, Treanor Architects, said the design team had met with the neighbors and the Architectural Review Committee three times since the previous Historic Resources Commission meeting. He said the project was now a new design and the height of the structure had been reduced. Mr. Kimball said multiple issues had to be considered during the design of the project. He said the project was within the environs of the North Rhode Island Street Historic Residential District, Lawrence's Downtown Historic District, the overlay district, and within the environs of two historic properties. He said the Downtown Design Guidelines, neighborhood concerns, and the building program had to be considered. Mr. Kimball stated the number of apartments had been reduced from 34 to 21 units which significantly reduced the top floor size of the structure. He said there would now be a restaurant on the corner and the height would transition out. Mr. Kimball said the drop off site was moved to the New Hampshire Street side of the project which would relieve traffic and the courtyard would be maintained to keep the alley open and pull all the massing onto the New Hampshire Street side. Mr. Kimball stated the pool was now an outdoor pool in an effort to reduce the height and break up massing of the structure. He said the structure at 901 New Hampshire Street and the U.S. Bank building were the tallest structures in the downtown area. Mr. Kimball stated by moving the restaurant to the corner there would be a transition down to the North Rhode Island District. He said one story was removed near the alley side and the apartments would be located on the top two floors. Mr. Kimball stated the lobby would remain on the ground floor, and the second and third floor would be for hotel use. He said the building had been broken up into smaller masses and bays and the façade material on New Hampshire Street area had changed to break up the large massing. He said the glass corner was now more transparent and opened up the top level of the structure. Mr. Kimball said the roof line transitioned down towards the Art Center and the entry to the hotel drop off was now more evident. Mr. Kimball said the top floor foot print was significantly reduced and was now a roof top deck and the grade of the courtyard was reduced and was now in line with the alley. Mr. Kimball said the parapet height was reduced from 62' to 52' and the building height was lowered by 22' at the alley side by removing two levels of the structure. He said all vehicular traffic was now removed from the alley and the massing would remain only on the commercial side of the district and the stair tower had been relocated and the massing was reduced. Mr. Kimball presented photos of the previous and current proposal.

PUBLIC COMMENT

K.T. Walsh, East Lawrence Neighborhood Association, stated her home was one and a half blocks from the proposed project. She said she had been on the Board of Lawrence Percolator and manager of the Social Service League for seven years. Ms. Walsh stated she was pleased

with the changes to the façade and with the hotel entrance moved to the New Hampshire Street side of the project. She said while meeting with the architects there continued to be a lack of awareness how the height and massing would affect the homes on Rhode Island Street. She said the homes were built in the late 1800's and the district qualified to be on the National Register. Ms. Walsh said the Commission's role was to protect the district from harm and the massing of the structure was larger than the previous design.

Gwen Klingenberg, President of the Lawrence Association of Neighborhoods, stated the development group was not complying with the Downtown Historic Guidelines. She said within the Guidelines under new construction, neighborhood integration, mass and scale were repeatedly mentioned. Ms. Klingenberg said there was a large parking area between Hobbs Taylor Lofts and the neighborhood. She said new additions should not destroy the historic material that characterized the neighborhood. Ms. Klingenberg stated new construction that dominated the neighborhood was not recommended and the back side of the structure would be six stories tall and would not conform to scale. Ms. Klingenberg read portions of the Downtown Historic Guidelines. She said the lights would be very invasive on the neighborhood. Ms. Klingenberg stated the applicant had made a lot of changes but needed to keep working to reduce the size of the structure to the height of the Arts Center.

John Ralston, 940 Rhode Island Street, stated the Commission did not have a full picture of the project and the Commission should demand complete information. Mr. Ralston stated there would be a follow up project the Commission should think about. He said the Developer would convince the Marriot to move the hotel four blocks south and abandon the current proposal and leave the city with a blighted structure. He said the developer had no concern for preservation law and the presentation was based on distractions and there were false and deceptive renderings. Mr. Ralston stated 901 New Hampshire Street loomed over the neighborhood and the 900 New Hampshire Street project would loom over the neighborhood. He said the applicant wanted a quick rejection to the City Commission so that due process would not be followed. Mr. Ralston stated the treatment to the Social Service League was incomprehensive. He said the landmark properties had a higher status of protection than the environs and the Commission should retain their function and authority. Mr. Ralston said the structure was seventy feet tall and it was in the wrong area of the City.

Kathryn Harris, 916 Rhode Island Street, thanked the Commission for their service. She said the revised plan made no attempt to dialogue with the neighborhood and there were many smoke and mirror issues with the project. Ms. Harris said the shortest part of the building was as tall as the tallest part of the Arts Center and the project would overshadow the neighborhood. She asked why there were not real photographs of the neighborhood. Ms. Harris stated 901 New Hampshire Street loomed over the neighborhood and there were four properties in the area on the historic register.

Hank Booth, Interim CEO and President of Lawrence Chamber of Commerce, said there had been many changes in the downtown area since the 1950's. He said the changes were caused by different needs and a vital mix of all different elements of the community which included residential. Mr. Booth said the opportunity for people to stay long term downtown instead of other places in the city gave them a chance to visit downtown and other parts of the City. He said the developer had made a remarkable transition and listened to the Guidelines and the Architectural Group made significant changes to the project. He said the developer had to build a structure that would be viable as a business. Mr. Booth said taxes would be created and there would be an opportunity for people who do not drive. He said in order for downtown to continue to thrive there had to be a mixture of businesses and the developer had done a great

deal to make the structure fit downtown in urban infill. Mr. Booth said the structure would be very attractive for a downtown area and the future of Lawrence needed the infill to be successful in the future history of Lawrence as well.

Town Peterson, 923 Rhode Island Street, stated he had been restoring his house for fourteen years and his back yard was across the northwest corner of the project. He said there were two classes of concerns that were very real. Mr. Peterson said when the Arts Center was constructed there was damage to one of his buildings and there would be permanent damage to the houses in the area during the construction phase. He said the character of a National Historic District would be damaged by light contamination and the view out of homes and the view into homes would change. Mr. Peterson said the Commission had told the developer to use the Arts Center as a size standard and the drawings shown were not true. He said the neighbor's concerns had not been taken into account. Mr. Peterson stated he had previously asked the Commission for a sky light in his home and that was a thirty minute discussion. He said if the Commission did not deny the project the Commission would give in to economic interests over historic interests. Mr. Peterson asked the Commission to help the neighbors argue to the City Commission to ice the project and any project like it. He said there needed to be a planning process for downtown and guidelines to deal specifically with the problem.

Leslie Soden said she was surprised Staff found the Social Service League would not be encroached upon and stated she objected to the finding.

Dennis Brown, Lawrence Preservation Alliance, said the proposal had come a long way from the original design which would have damaged the Historic District in several ways. He said through the public process the design team met with the Architectural Review Committee, Lawrence Preservation Alliance, Staff, and neighborhood leaders and not all issues had been resolved. He said the alley belonged to the city and traffic through the alley had now been eliminated. Mr. Brown said noise from traffic and head lights facing into neighbor's back yards was wrong and it now was eliminated. He said there would be a party pool on the roof top with no enclosure. Mr. Brown stated hotel rooms from the top floor had been moved to the bottom floor as he had suggested, and the courtyard had been dropped to pedestrian level. Mr. Brown said the Lawrence Preservation Alliance had not argued for a three story maximum structure. He said 9th and New Hampshire was a commercial corner and four or five stories would not damage the district. Mr. Brown said the east alley side of the structure made a better transition but he would like to see a ten foot setback on the southeast corner. Mr. Brown stated two of the two bedroom units should be removed from the current plan and a reduction of height and mass on the west side would be an improvement. He said the lot was transitional and the developer was now trying to make it work and if the south façade was reduced to four stories the project could be considered. He said he would like to see one more Architectural Review Committee meeting and would like to see the Committee lighten up on the three story ultimatum and the developers to further reduce programming. He said the Lawrence Preservation Alliance agreed with the staff recommendation that the project as proposed did not meet guideline numbers two and six.

Ron Schneider, Attorney representing homeowners on Rhode Island Street, said at the previous Historic Resources Commission meeting the developer was told to not come back if the structure was not reduced to three stories. He said he had met with the developer and the architect and the bottom line was the height of the structure. Mr. Schneider said he read the staff report and he was distressed about it. He said the project was an environs review and the staff report consistently found the project would have an adverse affect on the neighborhood. Mr. Schneider said the staff report stated the Downtown Design Guidelines were now met and

Staff did not recommend denial. Mr. Schneider said he did not understand the analysis of the staff report and he was familiar with the ordinance as he had drafted most of it in the mid 80's. Mr. Schneider said the common meaning of encroachment was to enter by gradual steps or by stealth into the possession or rights of another, to advance beyond the usual or proper limits gradually. He said the project would encroach into the environs and the neighbor's property. Mr. Schneider said the State statute talked about impact and encroachment and adverse affect on the environs itself. He said the city ordinance which he drafted had made a distinction between the environs and the city ordinance was not given the same respect and consideration but the impact of activity in the environs did receive consideration. He said at the time there were political factors that resulted in the final draft and it was acknowledged it was not the same as the state statute. Mr. Schneider said if Chapter 22 was applied properly the project did not meet the standard. He said the Downtown Design Guidelines were more questionable and he did not particularly object. He said the Commission had voted previously 6-0 that the plan did not meet the requirements. Mr. Schneider said the proposed project was too big for the area. He said the project reminded him of someone who lived in a residential area and who wanted a pet elephant, the elephant was too big for the area and not good for the neighbors. He said the elephant could be washed and cleaned up but would still be too large for the area. Mr. Schneider said he agreed with almost everything Mr. Booth had previously said but the project was too big for the area. He said the developer wanted to make a profit so there had to be a certain amount of rooms. Mr. Schneider said there should be no question the project should be denied.

PUBLIC COMMENT CLOSED

COMMISSION DISCUSSION

Commissioner Meyer stated the Historic Resources Commission had a narrow charge and personal opinions of what type of business goes in or around the neighborhood was irrelevant. She said whether or not the hotel would have a swimming pool or the design, or how many apartments the hotel would have was not the Commission's charge. She said the Commission was reviewing the project under the Certificate of Appropriateness Review, the State Law Review, and the Downtown Design Guidelines Review. She said she agreed with the staff report in regard to the Downtown Design Guidelines review.

Commissioner Wiechert stated the charge of the Commission was to determine if any project met the National Historic Guidelines and he said the project did not meet the Guidelines.

Commissioner Meyer said the staff report indicated the project did not encroach upon, damage or destroy the listed historic property and she disagreed with the report. She said the structure was right behind the Social Service League and lowering the height on the back side would not do much in terms of the League building.

Commissioner Williams stated Mr. Schneider defined encroachment pretty well. He said the structure would be three times the height of the historic structures in the area. Commissioner Williams said he appreciated Mr. Booth's comments. He said the reason the Watkins Bank building was built at 11th Street is that people did not want the massive building at 7th and Massachusetts Streets.

Commissioner Meyer said moving forward the Commission had to be consistent. She said as great a project this may be, additional like projects may be approved in the future.

ACTION TAKEN

Motioned by Commissioner Wiechert, seconded by Commissioner Williams, to deny the project at 9th and New Hampshire Streets, for the Certificate of Appropriateness Review, and make the determination the project does encroach upon, damage and destroy the listed historic property.

Motion carried unanimously, 7-0

ACTION TAKEN

Motioned by Commissioner Tuttle, seconded by Commissioner Quillin, to deny the project at 9th and New Hampshire Streets, for State Law Review, and make the determination the project does encroach upon, damage and destroy the historic property on North Rhode Island Street, as determined in the staff report.

Motion carried unanimously, 7-0

ACTION TAKEN

Motioned by Commissioner Foster, seconded by Commissioner Williams, to approve the project at 9th and New Hampshire Streets, for the Downtown Design Guidelines, based on the recommendations and findings as listed in the staff report.

Motion carried unanimously, 7-0