

**City of Lawrence  
Historic Resources Commission  
April 30<sup>th</sup>, 2012 Minutes**

MEMBERS PRESENT: Foster, Arp, Wiechert, Williams, Quillin, Tuttle

STAFF PRESENT: Braddock Zollner, Groves, Parker

PUBLIC PRESENT: Kimball, Soden, Myers, Klingenberg, Henderson, Walsh, Brown, Ramburg, Tsuncta, Schneider, Tallchief, Alderson

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

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

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**UPDATED 4/30:**

**COMMUNICATIONS ADDED**

**UPDATED 4/27:**

**STAFF REPORT ADDED**

**COMMUNICATIONS ADDED**

**UPDATED DRAWINGS ADDED**

**ITEM NO. 1: COMMUNICATIONS**

- a) Ms. Braddock Zollner stated communication received after the packet was updated was given to the Commission for review.
- b) No declaration of abstentions from agenda items by commissioners.

**ITEM NO. 2:** 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, thanked the Commission for reconsidering the project at 9<sup>th</sup> and New Hampshire Street. He stated the proposed structure was reduced by eleven feet by removing an entire floor and the previous apartments had been removed all together. Mr. Kimball stated the height was 44 feet which was comparable to the Arts Center. He said the front west side was six feet higher than the Arts Center and the east side of the structure toward the alley was three feet lower than the Arts Center. Mr. Kimball stated with the

revisions made the project related to the residential area to the east and the project complied with the Secretary of Standards. He said the zoning was reviewed and there were several different districts surrounding the structure and the project was now transitional. Mr. Kimball gave a comparison of the previous proposal and the current proposal. He stated the revised project reduced the building height by one story and the structure was now three stories high on the east alley side. Mr. Kimball displayed perspectives of the project compared with the neighborhood and perspectives from Rhode Island Street looking west, south and north.

Commissioner Wiechert asked Mr. Kimball what the floor to floor height of the structure was.

Mr. Kimball stated the floor to floor height on the hotel level was nine feet six inches and eleven feet on the top floor. He said the restaurant and ground floor was fifteen feet floor to floor.

Commissioner Williams asked if the north east corner of the structure was three levels.

Mr. Kimball said the north end of the structure was just over forty feet due to the grade of the lot.

Commissioner Foster asked for an aerial perspective looking west and a material review.

Mr. Kimball said the materials had not changed from the original plan. He said granite and stone would be used and siding similar to lap siding.

Commissioner Foster asked Mr. Kimball where the mechanicals would be placed.

Mr. Kimball said the mechanicals would be on the top floor and would not be seen. He said the rooms on the lower level were removed and a meeting room was added. He said the franchise and developer did not like the ground floor units due to a security issue. Mr. Kimball said the development pattern of the project was more similar to residential.

## **PUBLIC COMMENT**

Leslie Soden, East Lawrence Neighborhood Association President, said the newest set of project plans were issued on Friday and the neighborhood did not have an official opinion on the five story version of the structure. Ms. Soden stated from the alley the structure appeared to be a five story building and the environs law existed to prevent such structures. She stated the U.S. Bank building should not be used as a benchmark for height in the area. Ms. Soden stated 901 New Hampshire Street was under construction and also being used as a benchmark for height. She said she appreciated the graphics but the neighborhood homes were not presented correctly. Ms. Soden stated if one more story was wacked off the structure it then would be comparable to the Lawrence Arts Center.

Beth Myers said the current plan was better than the previous plan and the building was better. She said the proposed structure was not comparable or transitional. She said brick, stone and metal would be an effect in the summer months and would radiate heat. Ms. Myers said blue sky and perception of space was a value and the ratio of the width of streets and the height of buildings could make buildings seem looming. She said she would hate to see Downtown Lawrence become a concrete canyon.

Gwen Klingenberg, Lawrence Association of Neighborhoods, thanked the developers for their hard work. She said if the project was approved by the Historic Resources Commission it would then go through the site plan process and be done. Ms. Klingenberg said the project was a

community issue and there were six representatives from neighborhoods at the meeting. She said the lights would be extremely invasive to the neighbors and the materials would not fit the standards. She said the neighborhood needed the opportunity to ask questions.

Melinda Henderson, said she lived in the Brook Creek neighborhood, east of the proposed project. She stated there were no signs posted at the site regarding the Historic Resources Commission meeting. She displayed a copy of an article regarding procedural due process, a Guide for Preservation Commissions, copyrighted by the National Trust for Historic Preservation in 1994. She said item number four stated the general public and neighbors must be provided a reasonable opportunity to be heard on any matter considered by a Preservation Commission. She said there was a list of meeting dates on the website and there was no mention of the April 30<sup>th</sup>, 2012 meeting. She asked the Board to direct Staff to identify why, based on statute or bi-laws, it was appropriate to hold the meeting. She said the neighborhood was at a disadvantage and the meeting showed a bias toward the developer.

Commissioner Tuttle said on the website it stated Historic Resources Commission meetings would be held the third Thursday of each month unless otherwise noted.

Ms. Walsh asked if the state archeologist responded regarding a possible grave site at the project proposal. She said a 3-D model was needed to tell the full story of the project. Ms. Walsh asked if antennas would be placed on the roof of the building and if sound proofing would be installed in the building. She said in 1857 the governor moved to the Social Service League building and later it was turned into a canning kitchen. Ms. Walsh stated Mr. Treanor offered to demolish the building and build a new one and she asked the Commission to carefully consider the history of the Social Service League building. She said she was concerned with the excavation near the buildings. She stated the dumpster behind the Social Service League building was the busiest dumpster in Lawrence and it was used 24/7 by people shopping, going on dates, and visits with their kids. Ms. Walsh said she feared the middle to upper class people staying at the Marriott would not have the cross cultural understanding of the people who need to eat and shop from the dumpster's downtown. Ms. Walsh said she wanted a guarantee from the developers and the Marriott that the dumpster behind the Social Service League would remain.

Dennis Brown, Lawrence Preservation Alliance, said the City Commission was asking for the Historic Resources Commission's opinion and they should give it. He said there was a slight height reduction but the applicant did not make a serious effort to reduce height and mass of the structure. Mr. Brown stated the Mayor and Vice Mayor were staying apprised of the proceedings and requested a preservation view point. He said the height of the structure was reduced and the City Commission was asking the Historic Resources Commission if the reduction was enough. He said the project should not be deferred but vigorously analyzed as a group using the staff report and guidelines. Mr. Brown said the project was an environs review and based on the staff report, staff determined the revised proposal was within the range of compatibility for review. Mr. Brown advised the Commission not to compromise and said the project was clearly not compatible with the area. He read the staff report to the Commission and stated the Lawrence Preservation Alliance agreed with the staff report. Mr. Brown stated if the project was denied the four story proposal would go to the City Commission for review rather than the larger structure. Mr. Brown urged the Commission to examine the exterior lighting plan and the possibility of antennas on the roof of the structure. He said the Lawrence Preservation Alliance agreed with the staff report but reserved the right to testify should the feasible and prudent hearing go forward at the City Commission meeting.

Laura Ramburg stated she lived in the country but was speaking for her friend Rosa Salazar who lived at 923 Rhode Island Street, and who had made major improvements to her home. She stated the National Historic District offers significant protection to the historic integrity of the neighborhood. Ms. Ramburg stated the Commission had concluded both structures proposed were too large for the neighborhood. She stated the structure at 901 New Hampshire Street was too large and covered the entire block. She asked the Commission to vote against the proposal.

Irene Tsuncta, 916 Rhode Island Street, said she was dedicated to doing what she could to protect the integrity of the District. She asked for an explanation of the short turn around for the Historic Resources Commission meeting.

Commissioner Foster stated the City Commission requested the Historic Resources Commission hold a special meeting for 900 New Hampshire Street.

Ms. Braddock Zollner said the Mayor, Vice Mayor and the City Manager's Office requested the Historic Resources Commission set up a special hearing for 900 New Hampshire Street and the Commission set the date at the April 2012 meeting.

Ms. Tsuncta asked why the neighbors had not received notice of the meeting.

Ms. Braddock Zollner stated the Historic Resources Administrator advertises meetings in the Lawrence Journal World. She said Site Plan projects require the neighbors be notified.

Ms. Tsuncta said she did not understand the plans and said the plans appear to be like the previous plans. She said the plans indicate the tallest point of the Arts Center and the tallest house on the block and the average height should have been used. She asked that the neighborhood have an opportunity to understand the plans and more time to respond.

Ron Schneider, Attorney at Law, said he had asked that the Historic Resources Commission meeting be continued and was concerned with due process. He said the Historic Resources Commission should not vote on the item and continue the discussion at a later date. Mr. Schneider said the question was what had changed since the last meeting. He said there had been numerous discussions but neither he nor the neighborhood was asked to attend and participate. Mr. Schneider said every time the applicant wanted an extension it had been given. He said the major change of the project was the height that had been reduced by ten feet six inches. He said the original plan height was 73 feet 6 inches and the current plan height was 63 feet. Mr. Schneider said the applicant made reference to the Lawrence Arts Center. He said the current proposal was twice the height of the Lawrence Arts Center and the Commission had consistently stated the project should be no more than three stories high. Mr. Schneider said the Architectural Review Committee had stated in January if the height could not come down to three stories the Committee would not review the project again. Mr. Schneider read previous staff recommendations and the current staff recommendation and said the current report was so contrary to the previous report that it was almost acrobatic and a series of smoke and mirrors. Mr. Schneider stated the Commission was recognized as independent and credible and asked the Commission to consider the previous staff report and whatever was allowed to be built at 900 New Hampshire Street would determine what is built up and down the street and nearby. He said the Commission would set the standard and it could be adverse to the neighborhood. Mr. Schneider asked the Commission to continue the project.

Dawn Tallchief, Social Service League, stated she had lived in the neighborhood since 2000 and had just found out about tonight's meeting today. She asked the Commission to consider the action today and what it would do to the next seven generations. Ms. Tallchief stated she was concerned about the neighborhood and the entire East Lawrence Neighborhood. She said the Social Service League was the oldest building in Lawrence and more green space was needed not more buildings. Ms. Tallchief said there had to be respect for what was buried under the ground. She stated if something was built over something that was buried there it would not be good and no one knows what would happen. She said the issues were being pushed aside and she said she was tired of the politics and back door deals.

Betty Alderson, stated she frequently sat in on meetings and she appreciated things said about due process. She said she had been involved in historic preservation for a long time and when she saw something that was rushed it usually meant it was not a very good project. Ms. Alderson stated the neighborhood had put their life savings in their homes and they were not given any consideration. She said antennas would add another story to the height of the building and she did not like to see her tax dollars spent on profit for a developers group.

### **PUBLIC COMMENT CLOSED**

### **COMMISSION DISCUSSION**

Commissioner Foster said the 1999 Historic Resources Commission manual stated special meetings may be called by the chair or vice chair of the Commission.

Commissioner Arp said he would like to have more information on the possible grave site at the property.

Ms. Braddock Zollner said onsite testing had not been performed but the applicant was aware of the potential finding at the site.

Commissioner Wiechert said most discoveries were made during excavation and at that point the excavation would stop.

Mr. Kimball stated the contractors were aware of the possible grave site and it would be dealt with in the proper manner.

Commissioner Foster asked Mr. Kimball if he had objections to the conditions in the staff report.

Mr. Kimball stated he did not have objections to the conditions listed in the staff report.

Ms. Soden said the Archeologist had contacted Mr. Corliss and the next step was to perform a test excavation.

Commissioner Wiechert said there had been concern regarding damage to adjacent buildings during excavation.

Mr. Kimball said he had met with a company called Alta Vista that would do photo documentation before and after excavation. He said the construction technique would be non-invasive.

Commissioner Wiechert asked if soil boring test had been made.

Mr. Kimball said one soil boring test had been made.

Commissioner Williams stated the issue was complex. He said the lowest level of the project was equivalent to the highest point of the Lawrence Arts Center and the height size and massing was a challenge to the Historic District. He said the illustrations at the previous meeting were deceptive.

Commissioner Foster said the proposal was only sixty percent lot coverage.

Commissioner Wiechert said the Commission had requested the height of the structure be comparable to the Lawrence Arts Center.

Mr. Kimball stated the west side of the structure would be six feet higher than the Lawrence Arts Center.

Commissioner Arp said the structure was taller than the Lawrence Arts Center and the expectation was that it would be generally the same height.

Mr. Kimball said at the previous Historic Resources Commission meeting the Downtown Guidelines were approved for the project with the higher proposal.

Commissioner Arp said the whole issue was the Downtown Guidelines, and patterns and proportions should follow existing downtown structures.

Mr. Kimball said the project was an environs review and 901 New Hampshire Street was in the same exact environs as 900 New Hampshire Street.

Commissioner Arp said the top floor should be reduced.

Commissioner Williams said Mr. Kimball stated he would work with the Social Service League and asked if other neighbors in the area would be addressed.

Mr. Kimball said the developer was committed and liable for adjacent lots in the area.

Commissioner Foster said Code Enforcement should enforce the issue rather than the Historic Resources Commission.

Commissioner Foster said there were comments about models and the accuracy of the proposed structure. He said the diagram seems to be true and accurate.

Commissioner Williams stated the 901 New Hampshire Street building casts a shadow over the alley and he would like to see elevations to the east. He said he had no problem with profit and some of the homes and buildings that are relished in Lawrence are monuments to profit.

Commissioner Wiechert asked about floor to floor heights and asked if the height of the structure could be reduced.

Mr. Kimball said the top level had been extracted out.

Commissioner Wiechert said the restaurant on the corner did not bother him. He said the Downtown Guidelines encouraged anchor buildings to be larger in mass and scale than adjacent infill buildings.

Commissioner Williams asked if there should be more time and discussion regarding the project.

Commissioner Arp said the neighborhood should be heard.

Commissioner Wiechert said one use of the building was eliminated.

Commissioner Foster said the Architectural Review Committee had worked with the applicant and he said the project worked.

Commissioner Arp said if one story was removed a lot of people would be satisfied.

Mr. Schneider stated many of the neighbors would find a one story reduction acceptable.

Commissioner Foster said it was not the Historic Resources Commission's place to take a poll.

Commissioner Quillin said she would like to see more reduction in height.

Commissioner Tuttle said the structure looked considerably bigger than the Lawrence Arts Center. She said the structure would be within the environs of the historic Rhode Island Street.

Mr. Kimball said if one other floor was removed from the structure the hotel would be reduced by 1/3 and the structure would no longer be buildable or financeable.

Commissioner Tuttle said she was sympathetic to those concerns but the rules did not allow her to take that into consideration.

Commissioner Arp said the Historic Resources Commission was bound by the Downtown Guidelines.

Commissioner Williams said the project might help downtown.

Commissioner Tuttle said the Certificate of Appropriateness Review was the least stringent evaluation.

### **ACTION TAKEN**

Motioned by Commissioner Tuttle, seconded by Commissioner Foster, to approve the project at 900 New Hampshire Street, for the Certificate of Appropriateness review, based on the supporting documentation and with the following conditions as listed in the staff report:

1. The applicant will work with the Social Service League to ensure that damage to the listed structure does not occur during construction.
2. The applicant will work with Architectural Review Committee (ARC) to finalize the design and materials of the structure.
3. The applicant provide complete construction documents with material notations to be reviewed and approved by the HRA prior to release of a building permit.

4. Any changes to the approved project will be submitted to the Historic Resources Administrator for review and approval prior to the commencement of any related work. If the HRA determines the changes are significant, they will be submitted to the Historic Resources Commission for review and approval prior to the commencement of any related work.
5. The property owner will allow staff access to the property to photo document the project before, during, and upon completion of the project.

Motion carried, 5-1

**ACTION TAKEN**

Motioned by Commissioner Tuttle, seconded by Commissioner Quillin, to deny the project at 900 New Hampshire Street, for the State Law Review, based on the discussion of the Commission.

Motion carried , 5-1

**ACTION TAKEN**

Motioned by Commissioner Williams, seconded by Commissioner Foster, to approve the project at 900 New Hampshire Street, for the Downtown Design Guidelines, based on the staff support and supporting documentation and with the following conditions as listed in the staff report:

1. The applicant will work with Architectural Review Committee (ARC) to finalize the design and materials of the structure.
2. The applicant provide complete construction documents with material notations to be reviewed and approved by the HRA prior to release of a building permit.
3. Any changes to the approved project will be submitted to the Historic Resources Administrator for review and approval prior to the commencement of any related work. If the HRA determines the changes are significant, they will be submitted to the Historic Resources Commission for review and approval prior to the commencement of any related work.
4. The property owner will allow staff access to the property to photo document the project before, during, and upon completion of the project.

Motion carried, 4-2

**ITEM NO. 5: MISCELLANEOUS MATTERS**

- A. Commissioner Wiechert said Mr. Kimball had done a great job with the project at 900 New Hampshire Street.

- B. There were no miscellaneous matters from City Staff or Commission members.

**ACTION TAKEN**

Motioned by Commissioner Williams, seconded by Commissioner Arp, to adjourn the Historic Resources Commission meeting.

Motion carried unanimously, 6-0

**ADJOURN –9:25 p.m.**