

**HISTORIC RESOURCES COMMISSION
AGENDA MEETING JANUARY 16TH, 2014 6:30 PM
ACTION SUMMARY**

Commissioners present: Bailey, Foster, Hernly, Williams

Commissioners excused: Arp, Quillin, Tuttle

Staff present: Braddock Zollner, Cargill, Halm

ITEM NO. 1: ACTION SUMMARY

Receive Action Summary from the October 17, 2013, November 21, 2013, and December 19, 2013 meetings. Approve or revise and approve.

ACTION TAKEN

Motioned by Commissioner Foster, seconded by Commissioner Bailey, to approve the Action Summaries from the October 17, 2013 and November 21, 2013 meetings, and to defer approval of the Action Summary from the December 19, 2013 meeting.

Unanimously approved 4-0.

ITEM NO. 2: COMMUNICATIONS

a) Receive communications from other commissions, State Historic Preservation Officer, and the general public.

Ms. Lynne Zollner said staff received letters in support of Item No. 4 from both George Paley and Dennis Domer.

b) There were no declarations of abstentions from specific agenda items by commissioners.

ITEM NO. 3: L-13-00493 Public hearing for consideration of placing the structure located at 627 Ohio Street on the Lawrence Register of Historic Places. Submitted by the Dale Slusser, the property owner of record.

STAFF PRESENTATION

Ms. Zollner presented the item.

PUBLIC COMMENT

Mr. Dale Slusser, property owner, said he recognizes the value in historic properties to the community and thanked the commission for their consideration in placing his home on the Lawrence Register of Historic Places.

Mr. Dennis Brown, President of Lawrence Preservation Alliance, said they support all nominations, current and future, for the Local and National Registers. He added that he was in this home several years ago to estimate a repair and said the current owners have done a great job of fixing the house up and it is in great condition for listing.

ACTION TAKEN

Motioned by Commissioner Foster, seconded by Commissioner Hernly, to recommend the structure located at 627 Ohio Street for designation as a Landmark on the Lawrence

Register of Historic Places.

Unanimously approved 4-0.

Motioned by Commissioner Foster, seconded by Commissioner Hernly, to adopt Resolution 2014-01 to recommend nomination to the City Commission.

Unanimously approved 4-0.

Motioned by Commissioner Foster, seconded by Commissioner Hernly, to adopt the environs definition as provided.

Unanimously approved 4-0.

ITEM NO. 4: L-13-00501 Public hearing for consideration of placing the structure located at 1040 New Hampshire Street on the Lawrence Register of Historic Places. Submitted by David J. Brown for Ashlar L. C., the property owner of record.

STAFF PRESENTATION

Ms. Zollner presented the item.

PUBLIC COMMENT

Mr. Ron Schneider, attorney representing Ashlar L.C., said he has been involved with this property since the mid 1980's and once had an office in the clergy house next door. He said the property has been involved in some contentious litigation that received national attention but they were successful in preserving the property through court orders. He added that the building's legal history alone is significant, let alone its architectural history. Mr. Schneider recalled that, back in the mid 80's, people thought historic preservation was the death knell for Lawrence, but that has certainly not been the case as preservation efforts have fueled social development and economic growth. He said he would like to continue the tradition of preserving properties in Lawrence, and this is one the finest. Mr. Schneider mentioned a special article recently in the Lawrence Journal World regarding church buildings and this property was featured on the cover, in addition to a number of other publications in the community.

Mr. Dennis Brown added to Mr. Schneider's comments about the legal history of the property and mentioned there were two appeals involved. He said Olive Stanford, her daughter Mary, and Tripp Anderson all contributed to the adaptive re-use of the structure. He said that Dr. Dennis Domer was president of LPA at the time and also put a lot of effort into preserving the structure. Mr. Brown added that, at Turnhalle, they conducted services in German until the 1880s until they moved to the 800 block of Illinois, which is now a residence. He concluded that there are many stories and connections to this property and the history of Lawrence.

Commissioner Williams thanked Mr. Brown for his comments.

NO COMMISSION DISCUSSION

ACTION TAKEN

Motioned by Commissioner Hernly, seconded by Commissioner Foster, to recommend the

structure located at 1040 New Hampshire Street for designation as a Landmark on the Lawrence Register of Historic Places.

Unanimously approved 4-0.

Motioned by Commissioner Hernly, seconded by Commissioner Foster, to adopt Resolution 2014-02 to recommend nomination to the City Commission.

Unanimously approved 4-0.

Motioned by Commissioner Foster, seconded by Commissioner Hernly, to adopt the environs definition as provided.

Unanimously approved 4-0.

ITEM NO. 5: **L-13-00502** Public hearing for consideration of placing the structure located at 1047 Massachusetts Street on the Lawrence Register of Historic Places. Submitted by the Lawrence Preservation Alliance for the Douglas County Historical Society, the property owner of record.

STAFF PRESENTATION

Ms. Zollner presented the item.

PUBLIC COMMENT

Ann Gardner, President of the Douglas County Historical Society, said they support the nomination. She said they often refer to this building as their largest artifact and are very interested in protecting it.

Commissioner Williams asked if further details of the elements of the building should be added to the nomination, such as the red roof shingles, windows, marble, and wrought iron, adding that those details might prove beneficial in the future for insurance purposes. He said those significant elements were outlined in the records that J.B. Watkins kept, and asked if the records still exist.

Mr. Steve Novak, Executive Director of the Douglas County Historical Society, said that J.B. Watkins' records do exist and are housed at the University of Kansas in the Spencer Research Library.

Commissioner Williams asked if it was advisable to make reference to those records as part of the history of the building for the nomination.

Ms. Zollner said they typically wouldn't because it usually just pertains to the real property, but they can certainly note in the nomination report that the information is available at the Spencer Research Library.

Commissioner Hernly asked if HRC has ever listed interior features as part of a nomination.

Ms. Zollner said they had not but it is an option. She said typically, it would be up to the owner to list interior features as well as exterior features.

Commissioner Hernly said the front entrance stairs are pretty fantastic, with the iron, tile, and marble features.

Ms. Garner said they would not have any objection to listing interior features but they would want to review them first since it is still in active use.

Commissioner Williams asked if it makes a difference if the owner is a public entity versus a private entity.

Mr. Novak said the building is owned by the Douglas County Historical Society which is a private non-profit entity.

Mr. Dale Slusser, board member of LPA and Douglas County Historical Society, said it's an outstanding building and a real gem for the community so they are very excited about the listing.

Mr. Ron Schneider liked the description as the "community's largest artifact" and would encourage the commission to consider some interior designation. He pointed out that the interior features are more significant when dealing with a building that is open to the public versus a private residence. Mr. Schneider mentioned that, while working with the English Lutheran Church, he was shocked to learn how close this building was to demolition before a couple of people stepped forward to save it.

Ms. KT Walsh, representing the East Lawrence Neighborhood Association, said they support the landmark nominations, most importantly because they abut the North Rhode Island Street Residential Historic District and because of the development occurring downtown, it is an important time to care about preservation. She said Dennis Domer wrote a chapter about the church in *Embattled Lawrence* if anyone is interested in digging deeper into its history.

Mr. Novak said since the building is functioning as a museum, they are able to educate residents and visitors on its architectural significance and the builder's role in the community, as well as the iconic role the building has played as a symbol of Lawrence's aspiration. He said they are eager to tell that story and feel the addition of this structure on the Lawrence Register will reinforce its importance in the community.

Commissioner Foster asked if the addition of the interior features to the nomination could be done at a later time.

Ms. Zollner said yes.

Commissioner Foster encouraged the owner to come back at a later time for consideration of those interior features.

Commissioner Hernly asked if the list would come back to the HRC or if the owner could work with staff on adding it to the nomination for approval by City Commission.

Ms. Zollner said it would need to come back before the HRC for approval.

ACTION TAKEN

Motioned by Commissioner Williams, seconded by Commissioner Foster, to recommend the

structure located at 1047 Massachusetts Street for designation as a Landmark on the Lawrence Register of Historic Places.

Unanimously approved 4-0.

Motioned by Commissioner Williams, seconded by Commissioner Foster, to adopt Resolution 2014-03 to recommend nomination to the City Commission.

Unanimously approved 4-0.

Motioned by Commissioner Foster, seconded by Commissioner Hernly, to adopt the environs definition as provided.

Unanimously approved 4-0.

ITEM NO. 6: Chapter 22 of the Code of the City of Lawrence

STAFF PRESENTATION

Ms. Zollner presented the item. She detailed the subcommittee meeting regarding changes to Chapter 22 that Commissioner Bailey attended.

COMMISSION DISCUSSION

Commissioner Bailey directed attention to Chapter 22, Article 5, regarding when a Certificate of appropriateness is required. He said it uses clunky language, and they should consider listing the specific events that would trigger the need for a Certificate of appropriateness. In the alternative, he said, they could adopt the more general language used by the state, which would cast a wider net. He added that some things in Article 5 might be contradictory.

Commissioner Foster asked if there is any risk in relying on specific situations to trigger a Certificate of appropriateness, such as a building permit application.

Ms. Zollner explained not all things that should come before the HRC require a building permit. She said the State Law Review requires the review of many different types of permits, whereas Chapter 22 only requires a review of building or demolition permits.

Commissioner Foster said that even with the State's language it still would not prevent someone from removing windows, something that does not require any permit, to go through HRC for approval.

Ms. Zollner said staff could research what other communities have done.

Commissioner Hernly mentioned you also don't need a permit for siding.

Commissioner Bailey said even if they changed the language to a broader definition there still would not be a way to catch some important changes that don't require a permit.

Ms. Zollner agreed and added it would require someone to notice the change since there is no trigger.

Commissioner Foster said the broad definition would be the best they could do but it would not be perfect.

Commissioner Bailey liked the idea of researching other communities.

Commissioner Hernly asked if there is anything less than a building permit that could be required for projects such as windows and siding.

Ms. Zollner said if it requires a Certificate of Appropriateness they could educate the community on the appropriate reviews needed before making those changes.

Commissioner Bailey also mentioned the standards review in Section 22-505 contains a sliding scale for environs review in the first section, and the second section is modeled after the standards but is a little watered down.

Ms. Zollner said it is the Secretary of Interior's Standards. She suggested the commission should adopt the Secretary of Interior's Standards for that section of Chapter 22 and add the State's environs standards for review to it.

Commissioner Bailey said he feels it makes a lot of sense since there are many different interpretations. He also suggested they tweak the deadlines so as not to slow down the process.

Ms. Zollner said some of the difficulty for staff is the time limit of 45-60 days to get the item to public hearing. She suggested the HRC could look at revising the language to push that limit to 90 days. She explained the current time frame could make special meetings necessary if a Landmark Nomination isn't submitted in time for the closest meeting date.

Commissioner Bailey said Chapter 22 needs a lot of cleaning up. He said staff will prepare a draft of changes and present it to the HRC for approval.

Commissioner Hernly said in Section 22-406 there is a sentence that says there are no interim controls on noncontributory buildings, sites, structures, and objects within a nominated historic district. He asked if there has been any discussion to change that or if it would be possible to change it to allow environs reviews on nominated properties that haven't completed the process.

Ms. Zollner said that was not addressed at the subcommittee meeting.

Commissioner Hernly said they don't want to hold up projects, but right now there aren't many properties on the Local Register, so maybe the solution is to get more properties added.

Ms. Zollner said yes, staff is still working on a resolution that would initiate multiple nominations.

Commissioner Hernly asked about process for the HRC to initiate nominations.

Ms. Zollner said the HRC will first initiate the nomination, then staff can seek support from the property owner, and finally the nomination would come back to the HRC for public hearing.

Commissioner Hernly asked where the distance for environs is defined.

Commissioner Bailey said it is in the Environs Definition, Section 22-105.

Commissioner Hernly said once you add street right of ways into the 250 ft radius from a property you don't necessarily get a large coverage area. He said there can be properties outside the 250 ft that can be significantly impacted by projects, and suggested the HRC look into expanding the environs area.

Commissioner Foster can see some logic in looking at city blocks in their entirety.

Commissioner Hernly said an entire block would be about 600 feet.

Commissioner Williams asked if there are any national standards regarding environs area.

Ms. Zollner said environs review or context review was unique to Kansas, which is why it was adopted on the local level. She said staff can do more research to see if there are more context reviews out there on the local level, but historic districts are more common.

Commissioner Hernly asked if the commission changed the language from a 250 foot boundary to a 250 foot notification radius if that would be helpful.

Ms. Zollner said the difficulty for staff is the process of designating properties which is based off the 250 foot boundary in the Environs Definition.

Commissioner Hernly suggested keeping the 250 foot environs and creating an additional "impact zone" beyond that boundary.

Commissioner Foster said it doesn't necessarily need to be geographically defined. He said multiple blocks were included in the review of the Varsity House project due to the size and scale.

Commissioner Hernly added that the project still fell within 500 feet of the Oread Historic District.

Commissioner Foster said if it makes a significantly negative impact that far away then it's not an appropriate scale to begin with.

Commissioner Hernly said the way the code is written right now it still wouldn't trigger a review.

Commissioner Bailey said it seems that the spirit of the review is all about line of sight. He said he can understand why some people might have issues with the limitations on their own homes due to a historic property a couple blocks away.

Ms. Zollner said she can include in her staff report for next month to re-address the topic.

Commissioner Hernly said they wouldn't want to go back and try to re-define environs for every listed property as it would be too time consuming.

Ms. Zollner said it gets more difficult to define environs in larger areas because you must also look at historic maps and zoning and still find a common ground between the historic and current environs.

Commissioner Williams said the more complex the environs the more opposition which could eventually lead to doing away with the environs altogether. He agreed that the Secretary of Interior's standards should remain.

Commissioner Hernly emphasized the importance of environs review and said that many structures were probably saved or drastically improved because of it.

Commissioner Foster said maybe the solution is to just get more properties listed which in turn increases the footprint of registered places.

Commissioner Hernly mentioned South Park is on the Local Register, and although it seems very close the proposed development at 11th & Massachusetts, it is just outside of the 250 foot environs boundary.

Commissioner Foster added that the Douglas County Courthouse should be on the Local Register.

Ms. Zollner said the County has asked staff to draft an application for the County Courthouse.

Commissioner Hernly expressed interest in having a public discussion regarding the proper distance of environs.

They discussed possible changes to the environs areas.

Ms. Zollner suggested increasing the environs area for highly significant properties.

Commissioner Foster asked about the time frame for making the proposed changes.

Ms. Zollner said there is no deadline for their review of Chapter 22.

Commissioner Bailey said he is in favor of having a public discussion regarding their proposed changes.

Ms. Zollner said it will probably take a couple meetings to propose changes, hear public comment, and then review and approve.

PUBLIC COMMENT

Ms. KT Walsh asked if zoning changes trigger a review.

Ms. Zollner said not under Chapter 22.

Ms. Walsh said when zoning changes around a historically significant property it can have a big impact, and she suggested the HRC take that into consideration.

Commissioner Foster suggested different distances for environs based on the trigger, such as zoning or a building permit, since each could have a different impact.

Commissioner Bailey said he liked that idea.

Mr. Dennis Brown thanked Commissioner Bailey for his work on the Chapter 22 revisions. He said LPA is starting to guide certain property owners through the local listing process, including those with structures in historic districts, and a few have gone to City Commission for approval. He commented that there has yet to be any public inquiry regarding the loss of State Law Review, but is concerned that increasing the environs area to 500 feet will create opposition to the point of abolishing environs review altogether.

Commissioner Williams said there are some places in the US that have two distinctly separate downtown areas. He asked how long they should plan on keeping Massachusetts Street the primary downtown in Lawrence.

Commissioner Hernly said all of the written planning documents support downtown as the primary commercial district.

Commissioner Williams said there are examples of historic buildings that are in harmony with high rise buildings so there must be a way to make it work.

Ms. Zollner asked if there is any other direction for staff to include in the report next month.

Commissioner Hernly asked for clarification of Section 22-505(B)(4) regarding the review criteria for a certificate of appropriateness.

Ms. Zollner said the Commission can discuss changing the language in that section. She said the original idea of the review was to review anything within 250 feet without hindering development.

Commissioner Hernly said it gets subjective trying to define "significantly encroach".

Commissioner Bailey said, although the sliding scale is subjective, it also provides a lot of guidance.

Ms. Zollner thanked the commissioners for their input.

Commissioner Williams thanked Ms. Zollner for her work on the revisions.

ITEM NO. 7: MISCELLANEOUS MATTERS

- A. There were no Board of Zoning Appeals applications received since December 19, 2013.
- B. There were no demolition permits received since the December 19, 2013 meeting.
- C. Review of Administrative and Architectural Review Committee approvals since December 19, 2013:

DR-13-00485 **Administrative Reviews**
800 New Hampshire Street; Changes to the Right-of-Way Site Plan; Downtown Urban Conservation Overlay District review. The property is

Deferred

located in the Downtown Urban Conservation Overlay District. Submitted by Stephen Keys for Kenneth C. Baker II LLC, the property owner of record.

- DR-13-00491** 612 New Hampshire Street; Stabilization; Downtown Conservation Overlay District review. The property is located in the Downtown Urban Conservation Overlay District. Submitted by Chris Cunningham of Treanor Architects for Postal Investors LC, the property owner of record.
- DR-13-00503** 12 E 8th Street; Awnings; State Preservation Law Review and Downtown Conservation Overlay District review. The property is a contributing structure to Lawrence's Downtown Historic District, National Register of Historic Places and is located in the Downtown Conservation Overlay District. Submitted by Lawrence Sign Up for Static Salon on behalf of Central Management LLC, the property owner of record.
- DR-13-00504** 7 E 7th Street; Rehabilitation; State Preservation Law Review and Downtown Conservation Overlay District review. The property is a non-contributing structure to Lawrence's Downtown Historic District, National Register of Historic Places and is located in the Downtown Conservation Overlay District. Submitted by First Management Inc., for Consolidated Properties Inc. of Lawrence, the property owner of record.

ACTION TAKEN

Motioned by Commissioner Foster, seconded by Commissioner Hernly, to confirm the Administrative Reviews.

Unanimously approved 4-0.

D. General public comment.

Mr. Dennis Brown asked if Bricks Streets would be on the City Commission agenda this upcoming Tuesday.

Ms. Zollner said yes, they will be presenting at City Commission and then will come back to the HRC.

Mr. Brown said LPA is still trying to understand what the Brick Streets memo means for them, but they're not in favor of the guidelines currently proposed.

Commissioner Foster also said he was not happy with the guidelines presented, but since it was only informative, he declined to comment at that time.

Ms. Zollner said there is a new section on stone curbs, so they did take comments from the HRC into consideration, but it says in the memo that they will be coming back before the HRC.

Mr. Dennis Brown said he looks forward to their presentation at the upcoming City Commission meeting and will plan on reserving comment for a later time.

Commissioner Williams encouraged Mr. Brown to write down specific questions in preparation for the future meeting involving public comment. He mentioned an article in the Lawrence Journal World about brick streets had dozens of negative comments about what a pain they are. He said it is amazing how influential only a few comments can be, and emphasized how important it is to make the real concerns known and why those streets should be preserved.

Ms. KT Walsh said the brick streets last much longer and require less maintenance than the rest of the city streets. She said she is interested in Commissioner Foster's thoughts regarding the preservation of the brick streets near 8th Street.

Commissioner Foster said he doesn't think the city should choose not to preserve them just because they aren't heavily traveled. He said the brick slows people down to a reasonable speed and don't appear to need a ton of maintenance.

Ms. Walsh said the percentage of city streets that are brick is so small it seems very reasonable to preserve them. She then asked if the Commission had received any new information regarding the Cordley project.

Ms. Zollner said it still must go to Architectural Review Committee.

Ms. Walsh thanked staff and the Commission.

E. Miscellaneous matters from City staff and Commission members.

Ms. Zollner said she is working on reports for the East Lawrence Neighborhood nominations and it is her goal that those go before the City Commission this first quarter. She also mentioned Certified Local Government Grants are due March 14th so expect discussion and public comment on those next month. She said staff is currently working with the County Heritage Commission on a grant to send staff and some commissioners to Forum in Philadelphia and then present what they learn at a community workshop later on. She said they will also take suggestions for other grants commissioners or the public would like considered.

Commissioner Hernly asked if this is the grant to fund surveys.

Ms. Zollner said yes.

Commissioner Hernly asked if there is a list of areas that were considered for survey.

Ms. Zollner said staff will recommend a next step with the surveys to identify areas of high priority.

Commissioner Williams asked if the County Heritage Commission had a priority.

Ms. Zollner said yes, they are surveying each township.

ADJOURN 8:00 PM