

**LAWRENCE HISTORIC RESOURCES COMMISSION  
AGENDA MEETING MARCH 20, 2014 6:30 PM  
ACTION SUMMARY**

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Commissioners present: Bailey, Hernly, Quillin, Tuttle  
Commissioners excused: Arp, Williams  
Staff present: Braddock Zollner, Cargill, Halm

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**ITEM NO. 1: ACTION SUMMARY**

Receive Action Summaries from the December 19, 2013, January 16, 2014, and February 20, 2014 meetings. Approve or revise and approve.

**ACTION TAKEN**

Motioned by Commissioner Bailey, seconded by Commissioner Tuttle, to approve the Action Summaries from the December 19, 2013, January 16, 2014, and February 20, 2014 meetings.

Unanimously approved 4-0.

**ITEM NO. 2: COMMUNICATIONS**

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

Ms. Zollner said staff received a letter from the State Historic Preservation Office that said the Multiple Property Documentation Form for properties from 1945-1975 will be on the May Historic Sites Board agenda. She hopes that it will be approved and forwarded to the National Park Service.

- b) Commissioner Hernly declared his abstention from Administrative Review No. DR-14-00020.

**ITEM NO. 3:** L-14-00028 Public hearing for consideration of placing the structure located at 1000 New York on the Lawrence Register of Historic Places.

**STAFF PRESENTATION**

Ms. Lynne Zollner presented the item.

**PUBLIC COMMENT**

Mr. Dennis Brown, Lawrence Preservation Alliance (LPA), said they strongly support this nomination. He said LPA agrees with Design Criteria #6 for the nomination, and even though they're restricted to that character defining element, the history of the people involved is also interesting and important. He started by noting that he has thoroughly read the Rampelmann Thesis, which details the church as an institution with the German immigrant group. The Turnhalle was also somewhat indirectly involved. The original Turnhalle building was built in 1859 just across the street from the nominated property on the west corner, and was the first building German Methodists used for their church services in Lawrence. Only three years later, that original building was listed for sale because the majority of the Turnverein members left Lawrence to enlist in the Union Army to fight in the Civil War. Those members, he said, were

strong supporters of the Union and President Lincoln, and although they left Germany due to hardship, they were ready to fight to defend their Union. The Turnverein was reformed when its members returned from war, and the current Turnhalle building was built in late 1868. In 1872, the German Methodist Church bought the lot across from their existing location from member Frederick Bromelsick, an important German name in Lawrence history, and built the nominated structure. When members returned from the Civil War, Lawrence was in a period of great growth, the downtown was changing, and the German immigrant group was very influential in those changes. Mr. Brown pondered whether Lawrence would have the historic downtown it has today without the involvement of the German immigrant group. He said they embraced their US citizenship but kept traditions from their home country; they were hardworking, and had unique religious services. Some participated in English-speaking services of Lutheran and Methodist persuasions (including the services at the English Lutheran Church), but there were two congregations that performed church services in German, one of which was the German Methodist Church. The other German-speaking church was St. Paul's Evangelical Lutheran Church, which congregated at the Turnhalle in 1870 and later changed its name to the St. Paul's German Lutheran Church in 1875. As the first generation of German immigrants passed on, the German language became less important, and was even frowned upon around the time of World War I. Consequently, the Methodist church began to drop the German language from their services, and shortly thereafter folded into an American Methodist congregation. The St. Paul's church built a new building at 835 Illinois (which is now a residence) and moved out of the Turnhalle in 1889. They ended their services on August 1, 1949, while the Turnhalle was sold by the Turnverein in 1938. Mr. Brown speculated that families who chose not to attend church most likely were at home reading the newspaper, possibly the German weekly newspaper Die Germania or maybe the Saturday column by Dolph Simons in the Lawrence Journal World. The German weekly newspaper, Die Germania, was published from 1902-1918 by Henry and Bertha Albach who lived at 1701 Tennessee St. The Albachs started losing subscriptions to their newspaper as more and more people became uncomfortable subscribing to a German language newspaper. He concluded that these buildings, while architecturally significant, also act as bookmarks into Lawrence's past and are more than worthy of preservation.

### **COMMISSION DISCUSSION**

Commissioner Hernly asked how the New York School addition project is affected by this nomination.

Ms. Zollner said it is already in process, so there are no interim controls for environs.

Commissioner Hernly asked if it was tied to the building permit.

Ms. Zollner said staff will consider the Landmark status of the property when the building permit is submitted. She said she has been working with their design review committee and, based on what she knows so far, it meets the environs standards and shouldn't be an issue.

### **ACTION TAKEN**

Motioned by Commissioner Tuttle, seconded by Commissioner Bailey, to recommend the structure located at 1000 New York Street for designation as a Landmark on the Lawrence Register of Historic Places.

Unanimously approved 4-0.

Motioned by Commissioner Tuttle, seconded by Commissioner Bailey, to adopt Resolution 2014-06 recommending the structure located at 1000 New York Street be placed on the Lawrence Register of Historic Places.

Unanimously approved 4-0.

Motioned by Commissioner Tuttle, seconded by Commissioner Bailey, to adopt the environs definition as provided.

Unanimously approved 4-0.

**ITEM NO. 4:** DR-14-00036 504 Louisiana Street; Demolition; State Preservation Law Review. The property is a contributing structure to the Pinckney I Historic District, National Register of Historic Places. Submitted by Carl Edwards for Nickel-Evan, LLC, the property owner of record. **Deferred**

**ITEM NO. 5:** DR-14-00044 916 Massachusetts Street; Sign; Downtown Conservation Overlay District Review. The property is located in the Downtown Conservation Overlay District. Submitted by Lawrence Sign Up on behalf of Miller Meiers for Richard Stein, Trustee and Mary Howe, Trustee, the property owners of record. **Withdrawn**

**ITEM NO. 6:** Resolution 2014-04 A RESOLUTION OF THE CITY OF LAWRENCE, KANSAS, HISTORIC RESOURCES COMMISSION RECOMMENDING THAT THE GOVERNING BODY OF THE CITY OF LAWRENCE, KANSAS, DESIGNATE 1300 HASKELL AVENUE, LAWRENCE, DOUGLAS COUNTY, KANSAS, AS A LANDMARK ON THE LAWRENCE REGISTER OF HISTORIC PLACES.

**STAFF PRESENTATION**

Ms. Zollner presented the item.

**ACTION TAKEN**

Motioned by Commissioner Hernly, seconded by Commissioner Quillin, to adopt a Resolution 2014-04 recommending the structure located at 1300 Haskell Avenue be placed on the Lawrence Register of Historic Places.

Unanimously approved 4-0.

**ITEM NO. 7:** 1340 Haskell Avenue  
**(A)** Resolution 2014-05 A RESOLUTION OF THE CITY OF LAWRENCE, KANSAS, HISTORIC RESOURCES COMMISSION RECOMMENDING THAT THE GOVERNING BODY OF THE CITY OF LAWRENCE, KANSAS, DESIGNATE 1340 HASKELL AVENUE, LAWRENCE, DOUGLAS COUNTY,

KANSAS, AS A LANDMARK ON THE LAWRENCE REGISTER OF  
HISTORIC PLACES.

**(B) Revised Environs Definition**

**STAFF PRESENTATION**

Ms. Zollner presented the item.

**ACTION TAKEN**

Motioned by Commissioner Bailey, seconded by Commissioner Tuttle, to adopt a Resolution 2014-05 recommending the structure located at 1340 Haskell Avenue be placed on the Lawrence Register of Historic Places.

Unanimously approved 4-0.

Motioned by Commissioner Bailey, seconded by Commissioner Quillin, to adopt the environs definition as provided.

Unanimously approved 4-0.

**ITEM NO. 8: Chapter 22 of the Code of the City of Lawrence Review**

**STAFF PRESENTATION**

Ms. Zollner presented the item.

**COMMISSION DISCUSSION**

Ms. Zollner started the discussion with review of the environs definition and whether it should be 250 ft, 500 ft, or the length of a city block.

Commissioner Tuttle asked for an example as to how much space would encompass 500 ft.

Commissioner Hernly said 500 ft would almost be a typical city block.

Commissioner Bailey asked if the 500 ft radius is what the state environs definition was.

Ms. Zollner said that was when they had environs law at the state level, it was a 500 ft notification boundary, so anything within 500 ft of a listed property was reviewed.

Commissioner Tuttle asked if that definition was regardless of sight lines.

Ms. Zollner said yes. She acknowledged that the 500 ft may be too large, but it seems the 250 ft boundary is may not be large enough in some cases. She added that the topic could be discussed at the next meeting if needed.

Hernly asked how the current environs definitions would be affected if it is changed.

Ms. Zollner said the current environs are all based on a 250 ft boundary, so staff would have to determine whether the additional environs would be a separate area. If the commission decides to change environs radius, staff must consult with legal to determine how previously landmarked properties and their environs area will be affected.

Commissioner Hernly said he anticipates discussion on this topic next meeting. It is his opinion that, unlike the former State environs review, the current review process effortlessly allows the approval of all projects. He said the extra 125 ft will not affect small projects, but will protect historic properties that could be affected by significantly large projects and developments.

Commissioner Tuttle asked what kind of impact this would have on homeowners who fear that listing their property would displease neighbors affected by the nomination, particularly those without a line of sight. She said she would be interested in hearing from LPA and others in the preservation community about ways to communicate the advantages and disadvantages of this type of change.

Commissioner Quillin agreed.

Ms. Zollner noted that an addition to the environs area will also impact environs definitions. They agreed to keep the environs area at 250 ft until it can be discussed further. She moved forward with the next discussion item regarding the absence of interim controls in the environs area, Section 22-406.

Commissioner Bailey asked staff for an example of how the trigger for interim controls works on the ground level.

Ms. Zollner said a situation has never occurred to trigger the interim controls. She said it is set up to delay a demolition or building permit application until a property's Landmark process is complete. She reminded the Commission that they have the ability to initiate a Landmark designation that a property owner may not be in favor of, but the process would still need to be complete before a project could move forward. She said staff's concern is that they would be holding up projects that wouldn't typically require a Historic Resources review.

Commissioner Bailey clarified that they are essentially trying to put a pause on development until the Landmark nomination is either approved or denied.

Ms. Zollner said right now it would only pause demolition or building permits, but if changed it could affect other applications such as sign permits.

Commissioner Tuttle said it seems excessive to hold up sign permits.

Commissioner Bailey said they could exclude sign permits.

Commissioner Tuttle said as it is written, it only includes the nominated building and any contributing structure. For example, if an old farmstead has a newer utility shed, that accessory structure could be demolished while it is in the Landmark process.

Ms. Zollner said it would depend on how the landmark nomination was submitted and whether it was going through with contributing and/or non-contributing structures. She said staff can check with legal to see if interim controls could only apply to demolition permits.

Commissioner Bailey said that would resolve the concern of holding up sign permits and would also catch the larger demolition permits.

Commissioner Tuttle said it is worth investigating.

Ms. Zollner said once the Commission makes a decision, staff will consult with legal to see what can and can't be changed before proposing changes to the City Commission.

Commissioner Hernly asked if staff has discussed this topic in general with legal since there would be nothing designating affecting properties as historic at the time in question.

Ms. Zollner said it would be like a moratorium on building or demolition permits for that area.

Commissioner Bailey asked how staff would catch those projects.

Ms. Zollner said that's a good question. She said demolition permits are simple because they all come across her desk and there is a 30 day waiting period. She explained that building permits would have to be flagged manually until the Landmark process is completed.

Commissioner Hernly said it seems like demolition is the main concern.

Commissioner Tuttle said there could also be a neighbor who wants to make positive renovations to their home who would be stopped by these controls.

Commissioner Bailey asked how often staff receives demolition permits.

Ms. Zollner said not often, certainly not every week. She said there is also a 30 day wait period for demolition permits which they would need to coordinate with the Landmark 45-60 day wait period. She asked if the Commission would like additional information from the legal department to see if it is possible to only apply interim controls to demolition permits.

The commissioners said yes.

Commissioner Bailey redirected the Commission's attention to Section 22-204. His interpretation of the section is that all subcommittee meetings are subject to the Open Meetings Act. He said they don't need to have public comment but they need to be open to the public and would most likely require public notice. He suggested legal should take a look at that.

Ms. Zollner said there are other items that should be included in the 5 year report as mentioned in Section 22-205(B)(22) and she asked staff for their suggestions.

Commissioner Bailey said it would be good to include everything for presentation.

Ms. Zollner said it will be updated to include all of the Landmark designations that have been approved by the City Commission. She said there should be a revision to the Landmark application to place a small burden on the applicant to provide at least some information on the property. She then shifted attention to the public hearing date for landmark nominations and the time frame of 45-60 days. She reminded the Commission that the current timeframe is not enough time to get notification to Planning Commission and have it scheduled for a regular commission meeting, so extra meetings could be necessary. She asked commissioners if 90 days is too much or too little time.

Commissioner Tuttle said she felt that 90 days was reasonable.

Commissioner Hernly asked if the minimum requirement of 45 days is necessary.

Ms. Zollner said its purpose is to allow enough time for notification and comment before it's placed on a meeting for action.

Commissioner Bailey asked what the average review time is.

Zollner said they are trying to address a two week gap in the current time frame and the next available meeting date.

The Commission agreed that 90 days is a reasonable time frame to

Commissioner Hernly asked if it would also apply to the 60 day period in the following Section 22-404.1(B)(1).

Ms. Zollner said they still have 60 days from submittal to the publication date.

Hernly asked when it must be published.

Ms. Zollner said there is no required time frame; however, landmark nominations must be published within a certain time frame.

Commissioner Bailey said they could be potentially slowing things down if the time frame is extended.

Ms. Zollner said you can allow property owners longer than 60 days to protest or otherwise indicate their position to the historic district, but before its respective public hearing date.

Commissioner Hernly said they could potentially get a protest after they've had the meeting and approved the item.

Ms. Zollner said they would at least get the protest before the item went to City Commission.

Commissioner Bailey suggested 30 days.

Commissioner Tuttle said particularly during the summer in a college town, some people might be gone and not get enough time to respond within 30 days.

Ms. Zollner said they can mark that as a discussion item and analyze the calendar. She moved onto an item in the next section that requires staff to provide a copy of the staff report to the Planning Commission. She explained that it's difficult to get them the reports because Planning Commission meets very soon after HRC. She suggested a revision to remove the requirement of providing a staff report and just providing them with the HRC applications.

Commissioner Bailey asked if any planning commissioners expressed concern that they would no longer receive a report.

Ms. Zollner said no, it's more to keep them involved in the process. She then asked for the Commission's thoughts on the case of a Landmark nomination denial. She said the code currently does not allow re-nomination within 3 years of the denial unless there is a change in ownership. She explained that staff and the Chapter 22 subcommittee feel that three years is excessive and asked the Commission for their input.

Commissioner Tuttle said it would make sense to align it with the zoning denial time frame of 12 months.

The Commission agreed that 3 years is excessive.

Commissioner Hernly said he liked the idea that if new information is presented it could potentially come back sooner.

Ms. Zollner said the next major discussion item is Chapter 22, Article 5, regarding when a Certificate of Appropriateness is required. She said currently it is only required for a demolition permit, partial demolition permit, or a building permit. Since the absence of the state law review, items such as rezoning requests and Special Use Permits are not being reviewed. She said the subcommittee suggested adding Sign Permits, Rezoning Applications, Special Use Permits, Conditional Use Permits, Subdivisions, and vacations of streets or alleys for review on the local level.

Commissioner Bailey asked if staff borrowed language from the State statute.

Ms. Zollner said yes, as well as the exception.

Commissioner Bailey suggested they also use the State's definition for "entitlement for use".

Ms. Zollner said she was not sure if it was defined in their regulations but she would check. She asked if there is any concern with the exception, which states that a Certificate of Appropriateness is not required for interior projects in the environs.

Commissioner Bailey asked if they should adjust the language to include the historic district.

Ms. Zollner said yes.

Commissioner Bailey suggested changing the language from "historic area" to "historic district" since there is no definition for "historic area". He also suggested revising the language to say the list is not limited to the listed items.

Ms. Zollner said under State Law Review they reviewed Right-of-Way Permits, which is not listed, but they did for the hot dog vendor downtown.

Ms. Sheila Stogsdill said that it would be another entitlement.

Ms. Zollner said it might be helpful for people with listed properties and in surrounding environs to identify which types of projects require review. She indicated where to find a list in Chapter 22 of sample projects.

Commissioner Bailey also suggested instead of "within 200 ft" a change to "environs" to avoid constant revisions over the years.

Ms. Zollner said it was adopted from the Administrative Review list previously included in the State Law Review. She mentioned that if a project doesn't meet the standards for a Certificate of Appropriateness and staff can't approve it administratively, it's upgraded to a Full Commission review, so nothing will be denied without consulting the HRC.

Commissioners agreed that staff shouldn't have to deny anything administratively, since appeals would come to the HRC anyway.

Ms. Zollner said right now they confirm only Administrative Reviews, but they might want to consider reviewing the Certificate of Appropriateness approvals as well. Next, she explained a section of the code that requires a subcommittee to approve the Administrative Reviews. She suggested they change the language to give staff the ability to approve them and remove the subcommittee, since that's how they operate now. She said the subcommittee also wanted to revise language on page 22-26 and asked Commissioner Bailey to expand on that suggestion.

Commissioner Bailey suggested they further define the section or take out "significantly".

Commissioner Tuttle said taking out "significantly" seems more in line with how they typically operate.

Ms. Zollner said Section B on that same page discusses General Standards. She brought up the notion that general standards should mirror the Secretary of Interior standards, but currently they are a watered down version.

Commissioner Bailey suggested using it word-for-word as opposed to just a version of it.

Ms. Zollner said the Secretary of Interior's standards gives more in depth information for interpretation.

Commissioner Tuttle asked about conditional approvals referenced in Section 22-506.

Ms. Zollner said it states it should be accompanied by a Certificate of Appropriateness in the case of approval. So, if you have conditions for approval, and you wait for the building permit submittal, then you can't send a certificate approving the project in advance. Right now the approval is a stamp that goes on the building permit and is then forwarded to the property owner. She asked the Commission if they should revise it to require the Certificate of Appropriateness be sent instead of, or in addition to, the approval with certain conditions or amendments.

Commissioner Tuttle asked for clarification as to the change that needs to be made.

Ms. Zollner said they are currently only sending notification of the approval, not the actual certificate, which is just a stamp on the project plans.

Commissioner Hernly said it's on the same set of plans submitted for the building permit.

Commissioner Bailey suggested revising the language to "notice of approval" instead of the actual Certificate of Appropriateness.

Ms. Zollner said if they use the Secretary of Interior standards for listed properties and those in historic districts, then the Commission is considering a Certificate of Appropriateness for properties in the 250 ft environs radius, and to use the former environs standards.

Commissioners agreed that was appropriate.

Commissioner Hernly suggested they change "250 ft" to say "environs".

Ms. Zollner brought attention to Design Criteria in Section 22-506. The signage guidelines were changed to include review for sign permits. She also mentioned the Certificate of Economic Hardship was not something they had ever dealt with, but suggested they review that section.

Commissioner Bailey feels that applicants should continue to be required to produce financial reports as a requirement of the Certificate of Economic Hardship. He noted that, without that requirement, a large project could potentially exploit the process, although there's probably enough additional language to safeguard against that.

Ms. Zollner asked if anyone had comments on the next section regarding public hearings.

Commissioner Bailey said they might want to confirm whether subcommittees are subject to the language in Section 22-703, Conduct of Hearings.

Commissioner Tuttle asked if minutes are taken for the Architectural Review Committee (ARC).

Ms. Zollner said typically no, but they have in the past at the direction of the HRC for certain projects.

Commissioner Tuttle asked if they should differentiate the requirements for minutes of subcommittee meetings from those of regular commission meetings.

Commissioner Bailey asked if it would be a burden for staff to produce minutes for ARC meetings.

Ms. Zollner asked if they can do action summaries instead of minutes.

Commissioner Bailey suggested they begin doing action summaries for ARC. He asked about requirements for publication of subcommittee meetings.

Ms. Zollner said if subcommittee meetings are to be open to the public, staff can look into whether publishing online only would be permissible.

Commissioner Bailey asked if they need to continue to publish in the paper for HRC meetings.

Ms. Zollner said the determination at this time is that they do need to publish. She said the next item for discussion is regarding the preservation fund. She said it has not recently been funded, but the city does do preservation projects and matches grant funding on occasion.

Commissioner Tuttle said there's no reason to disestablish the fund.

Commissioner Bailey mentioned if fines or fees are collected they would have a place to go.

Ms. Zollner said that's correct, and stated the next item for discussion is Section 22-1005, Historic Conservation Award Program. She said she wasn't familiar with the Paul E. Wilson Awards and thought they seemed to be geared more toward non-profit preservation groups as opposed to a City effort, and mentioned the subcommittee had suggested deleting the section.

Commissioner Bailey said they could keep it and take out the time requirement.

Ms. Zollner directed attention to the minimum maintenance requirement. She said over the years they've discussed the demolition by neglect ordinance, and clarified that this section only applies to properties listed on the Local Register and is not part of the Property Maintenance Code.

Commissioner Hernly said it's hard to imagine how it could be enforced.

Commissioner Tuttle agreed. She asked if they could specify a process, perhaps to include owner notification.

Commissioner Bailey said it doesn't list consequences for non-compliance, and mentioned it references the ordinance (Ord. 5950, Sec 1).

Ms. Zollner explained the referenced ordinance.

Commissioner Bailey suggested they could put a procedure and violation system in place.

Commissioner Tuttle said they could direct the HRC administrator to collect information about violations and present them to the Commission to satisfy a process.

Ms. Zollner said staff can consult the legal department for help in revising the language of the section.

Hernly said it might be easier to reference the ordinances that can be enforced. He mentioned 1106 Rhode Island was a good example of a property that sat for many years not maintained.

Ms. Zollner said it wasn't locally listed.

Commissioner Hernly said Ms. Zollner was correct.

Commissioner Tuttle asked if the HRC administrator could collect information that could be forwarded to the Building Safety division for enforcement.

Commissioner Bailey suggested legal should be consulted.

Ms. Zollner moved on to fines and penalties, and stated it was her opinion that the current fines for Certificates of Appropriateness are pretty standard.

Commissioner Bailey suggested they check with legal to be sure the City Prosecutor isn't using a unique structure for different types of misdemeanors and to match their penalties.

Ms. Zollner said staff will work on revisions.

**ITEM NO. 9: MISCELLANEOUS MATTERS**

- A. There were no Board of Zoning Appeals applications received since the February 20, 2014 meeting.
- B. There were no demolition permits received since the February 20, 2014 meeting.

Ms. Zollner wanted the Commission to be aware that the city purchased Walnut Grove School as a buffer for the new wastewater treatment plant and is going to apply for a County demolition permit. She showed pictures of the property, and explained that staff determined that it's not eligible for any registers due to the significant alterations previously made to the structure.

Commissioner Tuttle asked if there would be an effort to reclaim any old wood.

Ms. Zollner said there doesn't appear to be any original wood remaining since the remodel.

Commissioner Tuttle asked if there are people or groups who might want to reclaim materials and if that would be permitted.

Ms. Zollner said she is not sure, but said in the future if it became a park, it would be nice to save the original foundation and post a sign with the history of Walnut Grove School.

- C. Review of Administrative and Architectural Review Committee approvals since February 20, 2014.

### **Administrative Reviews**

- DR-13-00526** 123 W 8<sup>th</sup> Street; Canopy Addition; 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 Paul Werner Architects for Onetwothree LLC, the property owner of record.
- DR-14-00020** 1900 Massachusetts Street; Exterior Alterations; Certificate of Appropriateness Review. The property is located in the environs of Fire Station #2 (1839 Massachusetts), Lawrence Register of Historic Places. Submitted by Hernly Associates for Sabrina Prewett, the property owner of record.
- DR-14-00034** 612 New Hampshire Street; Sign; Downtown Urban Conservation Overlay District Review. The property is located in the Downtown Urban Conservation Overlay District. Submitted by Luminous Neon on behalf of Northwestern Mutual for Postal Investors LC, the property owner of record.
- DR-14-00043** 831 Vermont Street; Sign; Downtown Urban Conservation Overlay District Review. The property is located in the Downtown Urban Conservation Overlay District. Submitted by Star Signs for BB&S LLC, the property owner of record.

**ACTION TAKEN**

Motioned by Commissioner Tuttle, seconded by Commissioner Bailey, to confirm the Administrative Reviews.

Approved 3-0-1.

D. There was no general public comment.

E. There were no miscellaneous matters from City staff or Commission members.

Adjourned 8:16 PM