

**LAWRENCE HISTORIC RESOURCES COMMISSION
AGENDA MEETING APRIL 16, 2015 6:30 PM
ACTION SUMMARY**

Commissioners present: Arp, Bailey, Foster, Hernly, Quillin
Commissioners excused: Wachs,
Staff present: Simmons, Zollner

ITEM NO. 1: COMMUNICATIONS

- A. There were no communications from other commissions, the State Historic Preservation Officer, or the general public.
- B. There was no disclosure of ex-parte communications.
- C. Commissioner Hernly declared his abstention from Administrative Approval DR-15-00072.

ITEM NO. 2: CONSENT AGENDA

- A. February 19, 2015 and March 26, 2015 Action Summaries.
- B. Administrative Approvals
 1. DR-15-00070 702 E 11th Street; Sign; Certificate of Appropriateness Review.
 2. DR-15-00072 846 Pennsylvania Street; Demolition of Shed Addition; State Law Review and Design Guidelines 8th and Penn Redevelopment Zone Review.
 3. DR-15-00073 613 Vermont Street; Solar Addition; Certificate of Appropriateness Review and Downtown Design Guidelines Review.
 4. DR-15-00074 920 Massachusetts Street; Sign; State Law Review, Certificate of Appropriateness Review and Downtown Design Guidelines Review.
 5. DR-15-00080 746 Massachusetts Street; Inflow Infiltration Abatement Permit; State Law Review.
 6. DR-15-00086 1540 Louisiana Street; Rehabilitation, Addition, and Site Improvements; Certificate of Appropriateness Review.
 7. DR-15-00103 1005 Massachusetts Street; Rental License; State Law Review.
 8. DR-15-00104 7 E 7th Street; Rental License; State Law Review.
 9. DR-15-00105 7 E 7th Street; Rental License; State Law Review.

ACTION TAKEN

Motioned by Commissioner Bailey, seconded by Commissioner Arp, to approve the Consent Agenda with the exception of DR-15-00072, pulled for separate vote.

Motion carried 5-0.

ACTION TAKEN

Motioned by Commissioner Bailey, seconded by Commissioner Arp, to approve Administrative Approval DR-15-00072.

Unanimously approved 4-0-1.

ITEM NO. 3: **L-15-00075** Public hearing for consideration of placing the structure located at 1345 West Campus Road, the Chi Omega Sorority House, on the Lawrence Register of Historic Places. Adopt Resolution 2015-06, if appropriate.

STAFF PRESENTATION

Ms. Zollner presented the item.

APPLICANT PRESENTATION

Ms. Lindsay Crick, Lawrence Preservation Alliance (LPA), said she submitted the application on behalf of the Chi Omega Board. She feels the property will be a great architectural addition to the register and hopes they will approve it.

No public comment

ACTION TAKEN

Motioned by Commissioner Hernly, seconded by Commissioner Arp, to recommend to the City Commission that the Chi Omega House at 1345 West Campus Rd be designated as a landmark on the Lawrence Register of Historic Places, and direct staff to prepare a report with information included in the staff recommendation.

Unanimously approved 5-0.

Motioned by Commissioner Hernly, seconded by Commissioner Bailey, to adopt Resolution 2015-06.

Unanimously approved 5-0.

Motioned by Commissioner Hernly, seconded by Commissioner Quillin, to adopt the environs definition as presented by staff for 1345 West Campus Rd.

Unanimously approved 5-0.

COMMISSION DISCUSSION

Commissioner Hernly suggested staff discuss State Tax Credits with members of Chi Omega because he doesn't believe they've been utilizing them for their work.

Ms. Zollner said she would certainly do that.

ITEM NO. 4: **DR-15-00120** 737 Connecticut; Demolition and New Construction; Certificate of Appropriateness Review.

STAFF PRESENTATION

Ms. Zollner presented the item.

Commissioner Foster asked if the zoning allows structure such as the proposed as long as they don't have a kitchen.

Ms. Zollner said correct.

Commissioner Foster asked if a full bath is allowed.

Ms. Zollner said correct.

APPLICANT PRESENTATION

Ms. Kristin Morland, property owner, offered to answer any questions.

Commissioner Foster asked if they are using sliding glass doors.

Ms. Morland said yes.

Commissioner Foster said that might be something the ARC should look at.

They discussed what appeared to be a balcony.

Ms. Morland said it's a shallow space, almost an elongated roofline in a way.

Mr. Timothy Morland, property owner, said one concern was the overall height of the building, which was purposeful in an effort to honor the original footprint of the garage and the desire to have a gabled roofline. He said it is lower than the residence. He mentioned another concern was the lack of green space, but they already park their vehicles in that space and the rest of the yard is well maintained.

The Morlands discussed more design and material details.

Commissioner Foster said he doesn't see anything the ARC needs to address.

Commissioner Hernly asked about colors, particularly the darker top portion which makes it look heavy.

Ms. Morland said their house is white and the addition is a pale gray, so they were thinking of going a shade of gray darker. She said they are considering cedar lap siding and either painting it white or staining it.

Commissioner Foster suggested they submit photos of the inspiration they intend to mimic via email.

Commissioner Hernly asked what materials are used on the back of the house.

Ms. Morland said gray stucco.

PUBLIC COMMENT

Mr. Dennis Brown, LPA, asked staff if there is a line of sight to the McCallister House from this property.

Ms. Zollner said the alley steps up on the west side so there is a vague line of sight.

Mr. Brown said the existing garage doesn't read as a 1950s structure but closer to an era similar to the barn across the alley. He said it's not clear what structural issues there are with the garage but he's a little uncomfortable supporting its demolition without more details of its history. He said the structure recently completed to the south of the subject property is too large, and if the proposed structure is larger, then it is too big. He said he's not concerned

about colors or materials but the mass of the structure and the introduction of elements that are incongruous with the existing neighborhood. He said the idea of building the second floor across with open space underneath does not seem in keeping with the character of the neighborhood. He said he appreciates the applicants' explanation that the gabled structure design honors the existing building, but he feels the second story design is out of place. He suggests that the Commission either deny the application or refer the project to the ARC.

Ms. Morland said their proposed structure is smaller than the neighbors' to the south. She explained that part of the reason for the elongated second story is due to a light pole that cannot be moved, so the proposed design allows them to utilize that open space for parking. She mentioned that the structure also does not stretch the entire length of the property. In response to Mr. Brown's comment about introducing a design that is out of place, she said that they've lived in Lawrence for 14 years, and as their family has grown, their needs have changed. She feels that while they continue to care for and respect the historic nature of the property, they will also be creating their own history which is equally important.

COMMISSION DISCUSSION

Commissioner Hernly asked how far the garage portion is from the alley right-of-way.

Ms. Zollner said it's currently drawn to the property line, but she had a discussion with the applicant about moving it five feet off.

Mr. Morland said they do have a revised plan that reflects that change.

Commissioner Foster asked Ms. Zollner to pull up the environs map.

Ms. Zollner showed the environs and line of sight to the listed properties.

Commissioner Foster asked which lot contained the new construction as previously discussed.

Ms. Zollner said it's the lot directly to the south.

Commissioner Bailey asked if there is a line of sight from that property.

Ms. Zollner said there is a minimal line of sight due to the angle and change in topography.

Commissioner Hernly asked about another structure pictured in a photo of the line of sight.

Ms. Zollner said it is the barn behind KT Walsh's house.

Commissioner Hernly said he doesn't see the overall idea as an issue in terms of its effect on the environs of either property. He said there's a lot going on with the house and the existing addition, so it seems the mass of the structure is broken up by the differentiation between the first and second stories, but it also adds to the visual complexity on the site and down the alley. He pondered whether changing the second story would be a better or worse solution.

Commissioner Foster feels the design solution could be better, but it isn't so bad that it needs to be stopped.

Commissioner Bailey agreed.

Commissioner Hernly asked if anyone else is apprehensive about the materials and the complexity of the design.

Commissioner Arp said he might have had a problem if the property was not as eclectic.

Commissioner Hernly said it will seem smaller than the one to the south from a massing standpoint.

Commissioner Arp how recently the structure to the south was approved.

Ms. Zollner said either the end of last year or beginning of this year.

Commissioner Arp asked if it is done.

Ms. Zollner said yes.

ACTION TAKEN

Motioned by Commissioner Arp, seconded by Commissioner Bailey, to approve the project with amendments as outlined in the staff report except a revision to the first amendment to require review of building materials only by the Architectural Review Committee.

Unanimously approved 5-0.

Commissioner Foster mentioned to the applicants that color photos up close and from a distance would be helpful.

ITEM NO. 5: MISCELLANEOUS MATTERS

- A. There were no Board of Zoning Appeals applications received since March 26, 2015.
- B. Review of any demolition permits received since the March 26, 2015 meeting.
- C. Architectural Review Committee approvals since March 26, 2015.

Commissioner Foster said the ARC met before the meeting to discuss the project at 800 New Hampshire Street and gave the applicant some food for thought but there is currently no resolution on their project.

- D. General public comment.

Mr. Dennis Brown, LPA, said another LPA member alerted him to something involving Clinton Park, west of Pinckney School, that he feels the HRC needs to weigh in on. He explained that at some point the school district encroached on City park property with the playground area, although there doesn't seem to be anything in writing about it. He said from a preservation standpoint, it doesn't seem to be an issue because it's just a recreational use, but the City is working on a land swap that would place ownership of that area with the school district. He

said the first reading for the transfer was on the City Commission's Consent Agenda two days ago and he assumes it will need to go through a second reading. He explained the legal notice timeline outlined in the staff report for the item. He said he doesn't have a problem with the land swap but feels this park, platted in 1858, is just as important as Watson or South Park. He suggested City legal staff add some sort of language creating a "no-build" easement that only allows recreational uses. He feels the HRC should insist that some sort of preservation easement be added to the land transfer agreement before it is approved.

Commissioner Foster asked if the park is listed.

Ms. Zollner said no, but it is in the environs of the McCurdy House.

Commissioner Foster asked for thoughts from other commissioners.

Commissioner Hernly said he's not terribly familiar with the park, and asked how big the original area was.

Ms. Zollner said the original area was from Illinois Street to Alabama Street. She said it was a small park but it was one of the three originally platted parks. She mentioned that the National Youth Association, paid by the City, built an overlook with stone and steps that can be seen from 6th Street and is something unique to the park. She said if the area of the park in question was built upon by the school district in the future, that overlook would no longer be visible from 6th Street.

Commissioner Foster asked when the playground was expanded.

Ms. Zollner said it has been there for some time- she believes there was some sort of lease with the City for that playground area.

Commissioner Foster asked if the playground work was reviewed by the HRC.

Ms. Zollner said no. She reminded the Commission that they reviewed plans for the Pinckney School building addition several months ago and they indicated some of the space would be used for parking. She showed where the original platted park was on the overhead map.

Commissioner Foster said it looks like the entire southern portion has been fenced off.

Commissioner Hernly said the portion between Alabama Street and Maine Street is an extension of the original park.

Ms. Zollner said that is correct.

Commissioner Hernly asked if Illinois Street and Alabama Street were originally platted through.

Ms. Zollner said yes.

Commissioner Hernly asked if either street was actually built through.

Ms. Zollner said no.

Mr. Brown asked if staff could show which portion of the park is being swapped.

Ms. Zollner said yes. She pointed out the ravine, which was one of the reasons the area became a park because it isn't buildable for residential use. She said the property the school sits on was also originally platted for residential use. She mentioned that Watson Park was a similar situation with a rather large ravine that has been built in over time. She indicated on the map the area of land the City intends to transfer, as well as the area that was slated for school parking, as outlined in their building addition plans.

Commissioner Foster asked what is preventing the park from being listed.

Ms. Zollner said the HRC has not brought forth an application for nomination to the Lawrence Register of Historic Places. She added that most of the City properties are listed locally.

Commissioner Foster asked if they can start that process.

Ms. Zollner said they can.

Commissioner Bailey expressed concern that it might be too late.

Ms. Zollner said she believes that the initial action was just to publish the land swap in the paper, which would be published twice, followed by a period of time to allow the filing of a protest petition, and then the City Commission could make the land transfer.

Commissioner Foster suggested they direct staff to prepare an application for nomination of the park to the Local Register, in addition to a request that the City Commission delay action until that application has been considered.

Ms. Zollner said Chapter 22 does not provide any interim controls that would allow them to delay the project for an application already submitted.

Commissioner Foster suggested they ask the applicant to delay or withdraw their application. He asked if the applicant is actually the City.

Ms. Zollner said yes.

Commissioner Bailey asked how this is considered a "swap".

Ms. Zollner said it is a land transfer, and according to the staff memo the school district gained some land for a drainage basin at Schwegler Elementary School.

Mr. Brown said if the City would place an easement on the land the swap could go through and the nomination could still go forward.

Commissioner Bailey said if even if the easement wasn't in place, a Landmark designation would allow the HRC to review any proposed work on the site.

Commissioner Hernly asked if the parking lot is on the east side now.

Ms. Zollner said no, that's hard surface playground area. She indicated where the school proposed one row of parking on the preliminary site plan.

Commissioner Hernly asked if that was in the right-of-way.

Ms. Zollner said she isn't sure.

Commissioner Foster asked if it would be burdensome to request that staff prepare a Landmark nomination.

Ms. Betty Alderson said she is concerned about what the school board might do with the property, and mentioned that whenever enrollment projections for Pinckney are made they talk about closing the school. She said they are very few park spaces for youngsters in the inner city part of town, and mentioned Woody Park has been compromised. She suggested many families might be moving back into that area as the density of downtown increases. She hopes the HRC can help protect the historic sites that are part of the original town and is not comfortable giving the school district total control over the park. She added that the shared use has been happening for a long time and it's a nice park for small functions.

Ms. Zollner showed the plans for the two story addition that the HRC reviewed and indicated on those plans where the playground and parking would be located.

Commissioner Hernly said it doesn't seem to indicate that it's not school property.

Ms. Zollner said these were preliminary drawings for the addition but they have not submitted a site plan for the project.

Commissioner Hernly said they've reviewed the building design.

Commissioner Bailey said yes, they've reviewed the addition.

Ms. Zollner said that is correct.

Commissioner Bailey asked if the City would have to consent to the nomination of City-owned property.

Ms. Zollner said yes, the City Commission would have to authorize the nomination, similar to process for other nominated properties.

Commissioner Foster asked if other commissioners agreed they should ask staff to draft a nomination.

Commissioner Arp said it seems there might be a timing issue.

Commissioner Foster said the nomination could protect any proposed work in the future.

Commissioner Hernly said that's right, but you have to obtain owner consent, and if they ownership of the property is transferred to the school district they likely won't consent.

Commissioner Foster said the remaining portion of the park would at least be protected.

Commissioner Arp said it sounds like by the time the City Commission hears this nomination the land transfer will have already happened.

Ms. Zollner said it must be published twice and then there's a 30 day period before the City Commission can take action.

Mr. Brown reminded them that any member of the public can remove an item from the Consent Agenda, which would allow for further discussion.

Commissioner Foster said he's not sure if the intent is to stop the land transaction or protect what is remaining.

Commissioner Arp said if the school is ever sold they wouldn't want the park to go with it.

Commissioner Foster said that is the reason for the proposed easement.

Commissioner Bailey said that is actually a good idea, and suggested they direct staff to draft a communication urging the inclusion of a preservation easement and outlining the HRC's intentions to nominate the property to the Local Register. He added that if the school district has other intentions they'll never agree to all of that.

Commissioner Arp suggested a long term lease agreement instead of transferring ownership.

Ms. Zollner said she believes that is the agreement they have now.

Commissioner Arp asked why they want a change.

Commissioner Bailey said there seems to be details they do not have, and mentioned that the school is already planning a parking lot there.

Commissioner Arp said it would be good to address the needs of the school without transferring ownership of the park.

Commissioner Bailey said if the land is transferred, any proposed work would trigger an environs review.

Ms. Zollner said they would be looking at the project for its impact on the McCurdy house, not the park.

Commissioner Foster said if the park is listed they could further discuss it.

Ms. Zollner said in the past, the HRC has discussed initiating the process to nominate all City-owned properties. She asked if that's something commissioners are interested in doing, including Clinton Park, and also forwarding concerns about the land transfer to the City Commission, including the possibility of a preservation easement.

Commissioner Foster said ideally, they should request a hold on any action toward the land transfer until the nomination is complete. He said if they don't wish to delay the process, they should at least request the minimum protection.

Commissioner Hernly said it's a City Commission decision, so if a number of commissioners don't want it to move forward, it won't. He suggested that if there are citizens that want the City Commission to take a certain action, they should speak to at least three commissioners.

Ms. Zollner said, in response to an earlier question, this involves a state statute that says the City may transfers property only after a notice has been published twice in the local newspaper on the same day in consecutive weeks, followed by a 30 day waiting period to allow a petition of at least 10% of the electorate who voted in the last election. She said it does not specifically say it would have to come back for a City vote, so she will have to check with Legal staff on that.

Commissioner Foster asked if Legal staff could provide a memo outlining the upcoming process for this.

Mr. Brown said that would be helpful.

ACTION TAKEN

Motioned by Commissioner Foster, seconded by Commissioner Arp, to direct staff to prepare a list of City-owned historic properties for potential listing on the Lawrence Register of Historic Places.

Unanimously approved 5-0.

Motioned by Commissioner Foster, seconded by Commissioner Bailey, to prepare with high priority a nomination for Clinton Park, in its entirety at the time the nomination is made, for listing on the Lawrence Register of Historic Places.

Unanimously approved 5-0.

COMMISSION DISCUSSION

Commissioner Hernly said they are requesting staff provide information as to the process details of the land transfer. He asked if the HRC has any official avenue for requesting the denial of land transfer, separate from the City Commission.

Ms. Zollner said as a recommending body to the City Commission, the HRC can draft a letter outlining their concerns, which can be included as either a communication or a consent item, whichever the Mayor feels is more appropriate.

ACTION TAKEN

Motioned by Commissioner Hernly, seconded by Commissioner Foster, to direct staff to draft a letter expressing concern by the Historic Resources Commission regarding the transfer of a portion of a historic park from City ownership to school district ownership.

Unanimously approved 5-0.

COMMISSION DISCUSSION

Commissioner Bailey said the school proposal for the parking area will come before the HRC for review regardless.

Ms. Zollner said it will be submitted on a site plan, projects which are typically reviewed administratively, unless they impact a listed property, which is currently only the McCurdy House.

E. Miscellaneous matters from City staff and Commission members.

Commissioner Bailey asked how the appeal process works, in reference to the Quonset hut item from last month.

Ms. Zollner said the applicant did appeal within the specified time period, so it has been added to the City Commission Agenda as a public hearing item, which will be heard de novo, and the HRC minutes are included in their packet of information. She said unfortunately, the audio was not working during that meeting so the minutes are a summary, but the City Commission will also use the Design Guidelines to make their determination.

Commissioner Bailey asked if staff would fill in the blanks during the City Commission meeting.

Ms. Zollner said the lack of a replacement plan was the main issue, in addition to the lack of urgency for demolition.

Commissioner Foster added that it also did not seem necessary to demolish the building just for environmental testing.

Commissioner Bailey said it also didn't appear to be related to public safety.

Commissioner Foster said it looks like they're getting ready to replace a water line on 8th Street in Old West Lawrence. He asked if staff would be involved in that project, particularly because there are bricks involved.

Ms. Zollner said she did review the project and made a note on the plans that if bricks are disturbed they are supposed to carefully remove them and store them for future brick street projects.

Ms. Zollner reminded commissioners that they have been working for some time to draft a new landmark nomination form that will ask more from the applicant. She said ultimately, they have taken the Preliminary Site Information Questionnaire that the State Historic Preservation Office uses to determine whether a property is eligible for listing in the State or National Registers, and condensed it for Local Register nominations. Also, she said they added a section that requires the applicant to choose which criteria the property meets. She said the hope is to enable local residents to complete an application for Landmark Nomination with the City that will also qualify them for listing with the State if they so choose.

Commissioner Foster asked if the change might discourage people from making an application.

Ms. Zollner said it will be a little more work for the applicant. She said staff is more than happy to help if the application is a hardship for any individual. She explained the change in the layout of the application form. She said she could email the form to commissioners for review or they can direct staff to move forward if they so choose.

Commissioner Bailey asked if they can add language to the form that says staff is willing to help if needed.

Ms. Zollner said staff can do that.

Mr. Dennis Brown said they're really excited about the change and hope these new forms will help everyone and educate potential property owners interested in listing.

Ms. Zollner said the Youth Engagement Workshop is on May 14th at Watkins Museum and should be fun. She said they'll look at a few examples from around the United States on how to involve youth in historic preservation/cultural resource protection, and are currently trying

to get students to sit at different tables during the break out session to help older people understand why they would be interested.

Commissioner Foster asked about training in August.

Ms. Zollner said their training is provided by the National Alliance of Preservation Commissions, who will cover preservation law and design review and will count as one training for the year.

Commissioner Hernly mentioned that on October 7th and 8th will be the Kansas Preservation Conference in Manhattan, the focus of which will be stone masonry construction and preservation.

ADJOURN 8:07 PM