

**LAWRENCE HISTORIC RESOURCES COMMISSION
AGENDA MEETING DECEMBER 17, 2015 6:30 PM
ACTION SUMMARY**

Commissioners present: Arp, Buchanan-Young, Hernly, Quillin
Staff present: Cargill, Simmons, Zollner

ITEM NO. 1: COMMUNICATIONS

- A. There were no communications from other commissions, the State Historic Preservation Officer, or the general public.
- B. Disclosure of ex-parte communications.

Commissioner Buchanan-Young said she discussed Item 5 with Mr. Werner. Commissioner Hernly said he also discussed Item 5 with the applicant before Mr. Werner was hired on the project.

Ms. Zollner invited those commissioners with ex-parte communications to share any information that has not been presented in the packet.

- C. Declaration of abstentions for specific agenda items by Commissioners.

Commissioner Hernly said he would abstain from Item 4.

ITEM NO. 2: CONSENT AGENDA

- A. November 19, 2015 Action Summary
- B. Administrative Approvals
 - 1. DR-15-00422 333 W 9th Street; Sign Permit; Certificate of Appropriateness
 - 2. DR-15-00543 1900 Louisiana; Site Plan; Certificate of Appropriateness
 - 3. DR-15-00554 841 Massachusetts Street; Interior Alterations; State Law Review
 - 4. DR-15-00561 643 Massachusetts Street; Mechanical Permit; State Law Review
 - 5. DR-15-00563 801 Massachusetts Street; Sign; State Law Review, Certificate of Appropriateness, and Downtown Design Guidelines Review
 - 6. DR-15-00568 913 Rhode Island Street; Sign Permit; State Law Review and Certificate of Appropriateness
 - 7. DR-15-00570 922 Kentucky Street; Deck Replacement; State Law Review and Certificate of Appropriateness
 - 8. DR-15-00586 705 Ohio Street; Mechanical Permit; State Law Review
 - 9. DR-15-00593 721 Massachusetts Street; Plumbing Permit; State Law Review

ACTION TAKEN

Motioned by Commissioner Arp, seconded by Commissioner Hernly, to approve the Consent Agenda.

Unanimously approved 4-0.

ITEM NO. 3: DR-15-00419 637 Tennessee Street; New Carport; State Law Review and Certificate of Appropriateness. The property is a contributing structure to the Old West Lawrence Historic District, National Register of Historic Places. The property is also located in the environs of the Henry Martin House, 627 Ohio Street. Submitted by Tony Backus for Alan Terry and Lydia Diebolt, the property owners of record.

ITEM NO. 4: DR-15-00597 1030 Ohio Street; Addition, Garage Demolition and New Construction, and Variance Requests; State Law Review and Certificate of Appropriateness. The primary structure listed as a contributing structure and the accessory structure is listed as a non-contributing structure to the Oread Historic District, National Register of Historic Places. The structures are also located in the Oread Historic District, Lawrence Register of Historic Places. Submitted by Abel Leon for Kolibri Ventures LLC, the property owner of record.

STAFF PRESENTATION

Ms. Zollner presented the item.

Commissioner Arp asked about the stacked parking and how it's defined.

Ms. Zollner explained the definition of stacked parking.

Commissioner Arp asked if it results in a reduction in spaces.

Ms. Zollner said that is correct.

APPLICANT PRESENTATION

Mr. Mike Myers, Hernly Architects, explained the overall project proposal and background.

Commissioner Arp asked about the correlation between the proposed parking configuration and the Oread Design Guidelines.

Mr. Myers said the Draft Oread Design Guidelines allow four cars parked in the tray and two in the garage. He feels they've done a good job of providing a convenient and orderly parking area. He talked about the existing parking problems in the neighborhood and displayed photos of current parking situations.

Commissioner Arp said he'd like to see the project proposal.

Mr. Myers presented photos of the existing structure and the proposed parking and garage project. He said he's having a hard time seeing staff's view at least for the environs. He feels they've met the neighbors halfway and he displayed the draft guidelines with proposed stacked parking language.

Commissioner Buchanan-Young asked about provisions to accommodate runoff during construction.

Mr. Myers said they would follow any city requirements on erosion control and they'd be happy to work with the neighbors on any issues.

PUBLIC COMMENT

Ms. Marcia Epstein, 1041 Tennessee Street, said the 1000 block of Ohio is on the National Register and is the first City district, and for those reasons it should have higher standards. She supports the garage removal for safety reasons, and appreciates the amended basement plan for only two bedrooms instead of four, which might mitigate any noise issues. She does not support stacked parking in any historic district and doesn't believe the garage in front of the parking tray is appropriate since it's not a single family use. She is in favor of a variance for a few parking spaces.

Mr. Dennis Brown, Lawrence Preservation Alliance (LPA), said LPA agrees with staff. They have no problems with the project except the stacked parking and placement of the new garage.

Mr. Kyle Thompson, 1041 Tennessee Street, mentioned a letter to the Board of Zoning Appeals (BZA) from Arthur Neis, a neighbor opposing the project. He said the Draft Oread Design Guidelines are still going through a process of approval and most Oread residents will be opposed to the stacked parking. He said most of the photos Mr. Myers displayed were on the 1100 block and were the result of a Federal project to concrete the whole alley for parking. He does not support the proposed stacked parking.

Mr. Myers said the letter from Mr. Neis was referring to the previous project submittal and doesn't know he's seen their revisions. He pointed out that the current proposal was in response to concerns from neighbors. In response to comments made by Mr. Brown, he disagrees that the stacked parking introduces a new form to the neighborhood.

COMMISSION DISCUSSION

Commissioner Quillin asked for more information regarding the Draft Oread Design Guidelines

Ms. Zollner said the Oread Neighborhood Plan began eight years ago, which recommended overlay zoning districts, similar to Downtown. She said parking has been a challenge, and the committee could not come to a consensus as to what is appropriate and where. She pointed that the addendum to the Draft Oread Design Guidelines provides some parking alternatives and was designed to allow feedback from the community.

Commissioner Quillin asked if the HRC has approved any similar parking scenarios.

Ms. Zollner said no, staff could not find anything of this nature.

Commissioner Arp asked for clarification as to the purpose of the garage

Ms. Zollner said the lot is only 40 ft wide so they can only get four parking spaces without stacking.

Commissioner Arp asked if they can't stack parking without the garage.

Ms. Zollner said that was right.

Commissioner Arp asked if the variance for parking is to reduce the number of spaces provided in relation to the number of bedrooms.

Ms. Zollner said yes.

Commissioner Arp asked if the variance could be a good solution that would prevent any encroachment on the primary structure.

Commissioner Buchanan-Young said she's in favor of supporting the variance.

Mr. Myers said when a dwelling is rented, you want to provide parking, but he doesn't feel the neighbors would support the variance. He said they're trying to be good neighbors and landlords but are skeptical they could get that variance.

Commissioner Buchanan-Young said stacked parking will cause problems for the tenants.

They discussed the pros and cons of stacked parking and the issue of tenants parking on the street.

Commissioner Buchanan-Young said, unlike the proposed project, all of the garages on the block are right off the alley.

Mr. Myers they're only moving it nine feet from the alley.

Ms. Zollner said the BZA hasn't been terribly supportive of parking variances in the Oread due to existing parking issues.

Commissioner Quillin said she wouldn't feel comfortable approving a parking form that hasn't been approved previously and without final design guidelines for fear that it would set a precedent.

Commissioner Arp agreed.

Commissioner Buchanan-Young said even if they approve the project with conditions they would still have to find another solution than what's currently proposed.

Commissioner Arp said the way the staff report reads, stacked parking is not recommended.

Mr. Myers said stacked parking is allowed as an interpretation to the Development Code.

Commissioner Buchanan-Young said she just doesn't see the parking approved under the Secretary of Interior's standards.

Commissioner Arp said the stacked parking seems contingent based on the placement of the garage.

Mr. Myers asked if the Commission prefers they develop a six car parking lot instead.

Commissioner Arp asked if that would be allowable.

Ms. Zollner said it would still have to come before the Commission. She said explained that just because something is allowed by zoning, that doesn't mean it won't impact a historic property, which is what the HRC is charged with determining.

Commissioner Arp said it feels like a real encroachment on the historic district.

Mr. Myers asked if the item can be deferred due to lack of a full Commission.

Ms. Zollner said the applicant can defer the item to a certain date and time.

Mr. Myers asked staff about the appeal process if the project is denied and how long that might take.

Ms. Zollner explained that the denial of the State Law Review would be appealed to the City Commission and they would have to find that there is no feasible or prudent alternative to the project. If the Certificate of Appropriateness is denied, that is also appealed to the City Commission but is heard *de novo*, but typically both items are heard at the same time. She said the time frame would be three to four weeks at the earliest.

Commissioner Buchanan-Young asked how the applicant moves forward if the project is approved with the condition that they find an alternative solution.

Commissioner Quillin asked if they can appeal a condition.

Ms. Zollner said yes, it would still be appealed to the City Commission.

Mr. Myers said even if they agree to approve the house project, which is the time sensitive portion, they can't build it if they can't provide parking.

Commissioner Arp asked what the standards are for "feasible and prudent".

Ms. Zollner said "feasible" refers to options that are alternatives to what the project is proposing, "prudent" is more difficult because but the city commission can look at financial information while the HRC can't.

ACTION TAKEN

Motioned by Commissioner Buchanan, seconded by Arp, to approve the State Law Review for DR-15-00597 with conditions as outlined in the staff report, with an emphasis on Conditions 1, 2, & 3.

Motion carried 3-0-1.

Motioned by Commissioner Buchanan, seconded by Commissioner Arp, to approve the Certificate of Appropriateness for DR-15-00597 with conditions as outlined in the staff report with an emphasis on Conditions 1, 2, & 3.

Motion carried 3-0-1.

Motioned by Commissioner Buchanan-Young, seconded by Commissioner Arp, to approve the State Law Review for DR-15-00577 as outlined in the staff report.

Motion carried 3-0-1.

Mr. Myers asked if the approval provides a process to get permits for the work that is approved.

Ms. Zollner said it would depend on whether the applicant intends to meet Amendment 1 and/or if they want the HRC to remove that condition of approval and he can come back with a garage and parking. She said they can also ask to work with the Architectural Review Committee (ARC) on Item 1 but it would be difficult without a plot plan.

Mr. Myers asked if the site plan could be approved administratively.

Ms. Zollner said anything that meets Amendment 1, like the reduction to four parking spaces stacked, can be approved administratively.

ITEM NO. 5: DR-15-00591 826 Pennsylvania Street; Addition and Rehabilitation; State Law Review, Certificate of Appropriateness and Design Guidelines 8th and Penn Redevelopment Zone Review. The property is located in the East Lawrence Industrial Historic District, National Register of Historic Places. The property is also located in the 8th and Pennsylvania Urban Conservation Overlay District and in the environs of Green and Sidney Lewis House (820 New Jersey Street), Lawrence Register of Historic Places. Submitted by Paul Werner Architects for 826 Penn LLC, the property owner of record.

STAFF PRESENTATION

Ms. Zollner presented the item.

Commissioner Arp asked if the lack of definition of materials is a concern for staff.

Ms. Zollner said those details aren't entirely flushed out yet, but they don't appear to be patterns and materials that are compatible with the historic district.

APPLICANT PRESENTATION

Mr. Paul Werner, Paul Werner Architects, said their goal is to figure out how big the addition can be, and the details like windows and doors can be worked through with staff. He showed a historic photo of the building, and noted the current shape of the building has unfortunately caused structural problems for the project moving forward. He went through the staff report and commented on staff's concerns. He feels a mixed use building would complement other properties in the area. He explained that they need enough structure development to make the project work.

Commissioner Hernly asked if they tried to calculate the original height of the building.

Mr. Werner said it was about 33 ft.

Commissioner Hernly asked for the current height of the structure.

Mr. Werner said about 18-20 ft.

Commissioner Hernly asked if they are adding to or replacing the roof structure.

Mr. Werner said they plan to add to the roof structure.

Commissioner Arp said the 8th & Penn Guidelines refer to new additions being subservient to the building. He asked how this project meets that guideline.

Mr. Werner said he struggles with the historic nature of the current structure due to its deterioration. He questioned why the limit for additions in the neighborhood is 3 stories/40 ft.

Commissioner Arp said it seems like the new addition isn't subservient to the primary structure.

Mr. Werner said their first proposal was a bit aggressive but would like to think there's a solution without chopping off the 3rd floor.

Commissioner Arp questioned which version of the building they consider to be historic, the current structure or the former structure before it deteriorated.

Mr. Werner that's a great question and something they are struggling with.

Commissioner Arp suggested the project might not be ready for a decision by the Commission.

PUBLIC COMMENT

Mr. Dennis Brown, LPA, questioned whether this is a complete application, and considered the option to defer until a more complete application is submitted. He encouraged commissioners to give feedback about height and the applicant to continue to work with staff.

Ms. KT Walsh said she concurs with Mr. Brown, and feels a one story addition would be ok but not two. She feels it encroaches upon the Sydney Lewis Green house. She asked for discussion regarding the parapets.

COMMISSION DISCUSSION

Commissioner Buchanan-Young pondered how a three story building to the north might change their perspective on this proposal.

Commissioner Arp said that sounds theoretical but he understands her point.

Commissioner Buchanan-Young suggested it might not be the time for this project if it would behoove them to wait for an addition next door.

Commissioner Quillin said she needs more information on the final design.

Mr. Werner said nobody submits anything as a final design. He understands their comments regarding the need for more information, but he would like to know if the height and mass is appropriate.

Commissioner Hernly said it's worth talking about height. He said it's unique because the height used to be 33 ft and going to 40 ft wouldn't have been an entire story. He feels what's left of the building makes it challenging. He said he would be more supportive of something that takes the four walls of the original building to their original height and then worked backward from there. He feels it would be easier to make a third story less dominant when it's sitting on top of two stories as opposed to the current building.

They discussed the historic building and viewed the historic photo of the building.

Ms. Zollner said they have three different reviews, and while they have more leeway with the guidelines for the overlay district, the State Law Review requires adherence to the Secretary of Interior's standards. She said they can do rehabilitation, restoration, preservation, or recreation. She explained that recreating the second story will come with a different set of standards. She explained the background on the original design guidelines for the area.

Commissioner Buchanan-Young said a taller building in the middle of the block doesn't mesh with the anchor buildings.

Commissioner Arp reminded them of the similar nature of the Vermont Street project.

Commissioner Arp asked if the appropriate height is a difference of a matter of feet.

Ms. Zollner said looking at the guidelines for the overlay district and specifically from the preservation brief, an appropriate addition would be very small.

Commissioner Arp asked if a one story addition is possible if the original height was first restored.

Ms. Zollner said no.

Commissioner Quillin said a rooftop addition cannot be more than one story in height.

Ms. Zollner explained that you can't mix and match recreation with an addition.

Mr. Werner said the existing building footprint is over 10,000 sq ft versus the original footprint of 35,000 sq ft. He feels there should be a way to recreate the second story while adding a setback third story since this is a non-contributing structure.

Commissioner Arp asked if they've defined materials for the proposed third story.

Mr. Werner said no.

Commissioner Hernly pondered a solution that would allow for the recreation of the second story, to bring the building to its original height, while adding a smaller third story. He said they could do a rehabilitation without fully replicating the second story.

Ms. Zollner said that is correct, but they would still be adding two stories to a one story building.

Commissioner Arp asked about leniency in the guidelines.

Commissioner Quillin said she's struggling with the guideline that says rooftop additions cannot be more than one story in height.

Commissioner Arp asked if the roof is in its original location.

Mr. Werner said no and that's part of the problem.

Commissioner Hernly said the top of the parapet is about 2 feet into the window sill, and the question is whether they're adding two stories if they're going back to the original height and then adding a story on top.

Commissioner Arp said that argument could be made that they're only working with half of what was there.

Mr. Adam Williams, applicant, said the proposed project would bring the structure closer to its original height of 33 ft versus its current height of 18 ft.

Commissioner Arp said he doesn't recall a similar situation to base their argument but feels they could make a legitimate argument in favor of the proposal but it's too early to approve the overall project.

Commissioner Quillin feels any third story would need to be very subservient to the rest of the building.

Commissioner Arp agreed and feels if the missing portion is recreated it needs to be differentiated from the original structure.

Commissioner Hernly said they can defer the item for now.

Ms. Zollner emphasized that commissioners need to be deliberate in their thought process in how they are meeting, or not meeting, the standards.

Commissioner Hernly said at this point it's on the applicant to figure out how to modify the design so it would meet the guidelines. He feels right now it does not, but it could.

Commissioner Quillin feels the scale and massing is not appropriate as presented.

Ms. Zollner said it would be most appropriate to defer the project so the applicant can work with the ARC on design refinement and then it can come back to the Commission for approval.

Commissioner Arp said a deferral is also preferable from a procedural standpoint.

Mr. Werner said they'd much rather defer as well.

Commissioner Arp said he feels there's a way it could be a three story building while adhering to the guidelines.

Commissioner Quillin said they would also need to see the revised design.

ACTION TAKEN

Motioned by Commissioner Hernly, seconded by Commissioner Arp, to defer the item until more information is provided by the applicant.

Unanimously approved 4-0.

ITEM NO. 6: DR-15-00596 726 Louisiana Street; Addition; State Law Review and Certificate of Appropriateness. The property is a contributing structure to the Old West Lawrence Historic District, National Register of Historic Places. The property is also located in the environs of the Jacob House Residence (805 Ohio Street), Lawrence Register of Historic Places.

STAFF PRESENTATION

Ms. Zollner presented the item.

APPLICANT PRESENTATION

Ms. Susan Chaney, property owner, said they're thrilled about the project and they're not married to the length of the porch. She explained the history of the house and its current condition.

Commissioner Arp said it sounds like they're willing to work with the ARC on the back porch.

No public comment

COMMISSION DISCUSSION

Commissioner Hernly asked if it's appropriate to match the stone foundation.

Ms. Zollner said the stone won't be an exact match and will differentiate the old from the new.

ACTION TAKEN

Motioned by Commissioner Arp, seconded by Commissioner Buchanan-Young, to approve the project with conditions as outlined in the staff report.

Unanimously approved 4-0.

Motioned by Commissioner Arp, seconded by, to approve the Certificate of Appropriateness with conditions as outlined in the staff report.

Unanimously approved 4-0.

ITEM NO. 7: MISCELLANEOUS MATTERS

- A. There were no Board of Zoning Appeals applications received since November 19, 2015.
- B. There were no demolition permits received since the November 19, 2015 meeting.
- C. Architectural Review Committee approvals since November 19, 2015.

Ms. Zollner said they did a final review by email for the Eldridge expansion project and the ARC had a consensus so the site plan will be approved and released for building permit.

- D. General public comment.

Ms. KT Walsh asked about the years of significance for the 826 Pennsylvania project and if it matters when it's non-contributing.

Ms. Zollner said yes, the years of significance are relevant.

Ms. Walsh asked what year the historic photo of that building was taken.

Commissioner Hernly said he doesn't know the exact year but similar photos are up at the Spencer Museum of Art.

Ms. Walsh mentioned a stone building at Quarry Park that has been completely restored.

E. Miscellaneous matters from City staff and Commission members.

Ms. Katherine Simmons said the Citizen Advisory Committee is reworking the plans for the 9th Street project, heeding all comments from City staff and the HRC. She said it will come back to the Commission in March. She explained that they took the curve out of the street, and some sidewalks will maintain existing brick. She said it will go to the East Lawrence Neighborhood Association the first Monday in March and the Cultural Arts Commission the following Wednesday.

Ms. Zollner mentioned the Draft Oread Design Guidelines, the public meeting scheduled in January and the joint HRC/Planning Commission meeting in February.

Commissioner Arp asked how a joint meeting works.

Ms. Zollner explained that they will only discuss the design guidelines at the February meeting but will take action at the joint March meeting.

Commissioner Arp asked if they will be voting separately on the guidelines and the addendum.

Ms. Zollner said it will all be together.

ADJOURN 9:07 PM