



LAWRENCE HISTORIC RESOURCES COMMISSION  
AGENDA FOR **NOVEMBER 17, 2016**  
CITY HALL, 6 E 6<sup>TH</sup> STREET  
**6:30 PM**

**UPDATED 11/16/16 @ 3:45 PM:**

**Added handouts for Item 3 – Due Process/Open Meetings**

**Added Staff Memo & Revised Plans for Item 7 – 804 Pennsylvania St**

SPECIAL NOTICE: THE CITY OF LAWRENCE HAS EXECUTED AN AGREEMENT WITH THE STATE HISTORIC PRESERVATION OFFICER TO CONDUCT STATE PRESERVATION LAW REVIEWS AT THE LOCAL LEVEL. THEREFORE, THE LAWRENCE HISTORIC RESOURCES COMMISSION WILL MAKE ALL DETERMINATIONS REGARDING PROJECTS THAT REQUIRE REVIEW UNDER K.S.A. 75-2724, AS AMENDED.

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**ITEM NO. 1: COMMUNICATIONS**

- A. Receive communications from other commissions, State Historic Preservation Officer, and the general public.
- B. Disclosure of ex-parte communications.
- C. Declaration of abstentions for specific agenda items by commissioners.
- D. Committee Reports

**ITEM NO. 2: CONSENT AGENDA**

- A. October 20, 2016 Action Summary
- B. Administrative Approvals
  - 1. DR-16-00394 714 Massachusetts Street; Rental License; State Law Review
  - 2. DR-16-00399 719 Massachusetts Street; Sidewalk Dining; State Law Review and Downtown Design Guidelines Review
  - 3. DR-16-00423 734 Vermont Street; Communication Equipment; Certificate of Appropriateness and Downtown Design Guidelines Review
  - 4. DR-16-00424 732 Massachusetts Street; Sign Permit; State Law Review and Downtown Design Guidelines
  - 5. DR-16-00430 1835 Massachusetts Street; Mechanical Permit; State Law Review
  - 6. DR-16-00434 733 Massachusetts Street; Rental License; State Law Review
  - 7. DR-16-00435 820 Massachusetts Street; Rental License; State Law Review
  - 8. DR-16-00436 845 Massachusetts Street; Rental License; State Law Review

9. DR-16-00437 814 Massachusetts Street; Rental License; State Law Review
10. DR-16-00438 814 ½ Massachusetts Street; Rental License; State Law Review
11. DR-16-00446 916 Kentucky Street; Porch Repair and Structure Rehabilitation; State Law Review and Certificate of Appropriateness
12. DR-16-00447 927 Massachusetts Street; Interior Remodel; State Law Review

**ITEM NO. 3: DUE PROCESS, OPEN MEETINGS AND COMMISSIONERS' RESPONSIBILITIES**

**ITEM NO. 4: PUBLIC COMMENT**

**ADDRESSING THE COMMISSION:** The public is allowed to speak to any items or issues that are not scheduled on the agenda after first being recognized by the Chair. As a general practice, the Commission will not discuss/debate these items, nor will the Commission make decisions on items presented during this time, rather they will refer the items to staff for follow up. Individuals are asked to come to the microphone, sign in, and state their name and address. Speakers should address all comments/questions to the Commission.

***AGENDA ITEMS MAY BE TAKEN OUT OF ORDER AT THE COMMISSION'S DISCRETION***

**ITEM NO. 5:** DR-16-00431 627 Connecticut Street; New Accessory Structure; Certificate of Appropriateness. The structure is in the environs of the Otto Fischer House and the A. J. Griffin House. Submitted by Bowden Complete Construction, LLC, property owner of record.

**ITEM NO. 6:** DR-16-00454 1327 New Hampshire Street; New Accessory Structure; State Law Review and Certificate of Appropriateness. The structure is a non-contributing structure in the South Rhode Island Historic District. Submitted by Kyle & Lindsey Weiland, property owners of record.

**ITEM NO. 7:** DR-16-00444 804 Pennsylvania Street; Commercial Dining Canopy; State Law Review and Design Guidelines 8<sup>th</sup> and Penn Neighborhood Redevelopment Zone Review. The structure is a contributing structure to the East Lawrence Industrial Historic District and is located in the 8<sup>th</sup> & Pennsylvania Urban Conservation Overlay District. Submitted by Ohio Mortgage Investors, LLC, property owner of record.

**ITEM NO. 8: MISCELLANEOUS MATTERS**

- A. Provide comment on Zoning Amendments, Special Use Permits, and Zoning Variances received since October 20, 2016.
- B. Review of any demolition permits received since October 20, 2016.
- C. Miscellaneous matters from City staff and Commission members.

**LAWRENCE HISTORIC RESOURCES COMMISSION  
AGENDA MEETING OCTOBER 20, 2016 6:30 PM  
ACTION SUMMARY**

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Commissioners present: Buchanan, Evans, Fry, Hernly  
Staff present: Cargill, Simmons, Zollner

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**ITEM NO. 1: COMMUNICATIONS**

- A. There were no communications from other commissions, State Historic Preservation Officer, or the general public.
- B. There were no ex-parte communications.
- C. There were no abstentions.
- D. No Committee Reports

**ITEM NO. 2: CONSENT AGENDA**

- A. September 15, 2016 Action Summary
- B. Administrative Approvals
  - 1. DR-16-00357 1024 Pennsylvania Street; Addition; Certificate of Appropriateness
  - 2. DR-16-00358 1910 Haskell Avenue; Sign; Certificate of Appropriateness
  - 3. DR-16-00363 1001 Massachusetts Street; Plumbing Permit; State Law Review
  - 4. DR-16-00364 726 Louisiana Street; Driveway Permit; State law Review
  - 5. DR-16-00368 1011 Massachusetts Street; Sidewalk Dining; Downtown Design Guidelines Review and State Law Review
  - 6. DR-16-00374 719 Massachusetts Street; Remodel; State Law Review
  - 7. DR-16-00376 1011 Massachusetts Street; Remodel; State Law Review
  - 8. DR-16-00377 805 New Hampshire Street; Plumbing Permit; State Law Review
  - 9. DR-16-00378 842 Massachusetts Street; Alley Repair; State Law Review
  - 10. DR-16-00382 1019 & 1019 ½ Massachusetts Street; Rental License; State Law Review

**ACTION TAKEN**

Motioned by Commissioner Fry, seconded by Commissioner Evans, to approve the Consent Agenda.

Unanimously approved 4-0.

**ITEM NO. 3: PUBLIC COMMENT**

There was no public comment.

**ITEM NO. 4:** DR-16-00384 923 Pennsylvania Street; Accessory Structure Demolition; Certificate of Appropriateness. The structure is located in the environs of the Edmonson House located at 936 Pennsylvania Street. Submitted by The City of Lawrence. David and Marlene Gramly are the property owners of record.

**STAFF PRESENTATION**

Ms. Zollner presented the item.

Commissioner Buchanan asked if a new structure would come before the Commission.

Ms. Zollner said a change to the existing structure would be administrative, but a new structure would come before the Commission.

Commissioner Evans asked when the structure was built.

Ms. Zollner said probably sometime around 1930.

**ACTION TAKEN**

Motioned by Commissioner Fry, seconded by Commissioner Hernly, to approve the Certificate of Appropriateness and make the determination that the proposed project does not encroach upon, damage, or destroy the environs of the listed historic property.

Unanimously approved 4-0.

**ITEM NO. 5: MISCELLANEOUS MATTERS**

- A. No comment on Zoning Amendments, Special Use Permits, and Zoning Variances received since September 15, 2016.
- B. No demolition permits received since September 15, 2016. No
- C. Miscellaneous matters from city staff and commission members.

Commissioner Hernly mentioned the Hernly Associates office open house on Friday, October 28<sup>th</sup>.

Commissioner Buchanan said Castle Tea Room is looking for Board members.

Ms. Zollner said there's a fundraiser for the ECM on Saturday.

**Adopt 2017 Submission and Meeting Calendars**

**ACTION TAKEN**

Motioned by Commissioner Fry, seconded by Commissioner Hernly, to adopt the 2017 Submission and Meeting Calendars.

Unanimously approved 4-0.

**ADJOURN 6:40 PM**

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**LAWRENCE HISTORIC RESOURCES  
ADMINISTRATIVE REVIEW  
STAFF REPORT**

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**A. SUMMARY**

DR-16-00394 714 Massachusetts Street; Rental License; State Law Review

**B. PROJECT DESCRIPTION**

Rental License Registration

**C. STANDARDS FOR REVIEW**

Secretary of the Interior's Standards for Rehabilitation (State Preservation Law Review)

**D. STAFF DETERMINATION**

In accordance with the Secretary of the Interior's Standards, the standards of evaluation, staff approved the project and made the determination that the project does not damage or destroy any historic property included in the National Register of Historic Places or the State Register of Historic Places (Register of Historic Kansas Places).

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**LAWRENCE HISTORIC RESOURCES  
ADMINISTRATIVE REVIEW  
STAFF REPORT**

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**A. SUMMARY**

DR-16-00399 719 Massachusetts Street; Sign Permit; State Law Review and Downtown Design Guidelines Review

**B. PROJECT DESCRIPTION**

Sign Permit



Proposed Location Mockup

**C. STANDARDS FOR REVIEW**

Secretary of the Interior's Standards for Rehabilitation (State Preservation Law Review)

Downtown Design Guidelines (Downtown Urban Conservation Overlay District)

**D. STAFF DETERMINATION**

Based on the information provided by the applicant and in accordance with Chapter 20-308(f)(3) of the City Code, staff reviewed this project using the Downtown Design Guidelines and determined that the project, as proposed, meets these development and design standards.

In accordance with the Secretary of the Interior's Standards, the standards of evaluation, staff approved the project and made the determination that the project does not damage or destroy any historic property included in the National Register of Historic Places or the State Register of Historic Places (Register of Historic Kansas Places).

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**LAWRENCE HISTORIC RESOURCES  
ADMINISTRATIVE REVIEW  
STAFF REPORT**

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**A. SUMMARY**

DR-16-00423 734 Vermont Street; Communication Equipment; Certificate of Appropriateness and Downtown Design Guidelines Review

**B. PROJECT DESCRIPTION**

Communication Equipment Installation

**C. STANDARDS FOR REVIEW**

Chapter 22 of the Code of the City of Lawrence (Certificate of Appropriateness)

Downtown Design Guidelines (Downtown Urban Conservation Overlay District)

**D. STAFF DETERMINATION**

In accordance with Chapter 22 of the Code of the City of Lawrence, the standards of evaluation, staff determined the proposed project will not significantly encroach on, damage, or destroy the landmarks or their environs and issued the Certificate of Appropriateness for the proposed project.

Based on the information provided by the applicant and in accordance with Chapter 20-308(f)(3) of the City Code, staff reviewed this project using the Downtown Design Guidelines and determined that the project, as proposed, meets these development and design standards.

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**LAWRENCE HISTORIC RESOURCES  
ADMINISTRATIVE REVIEW  
STAFF REPORT**

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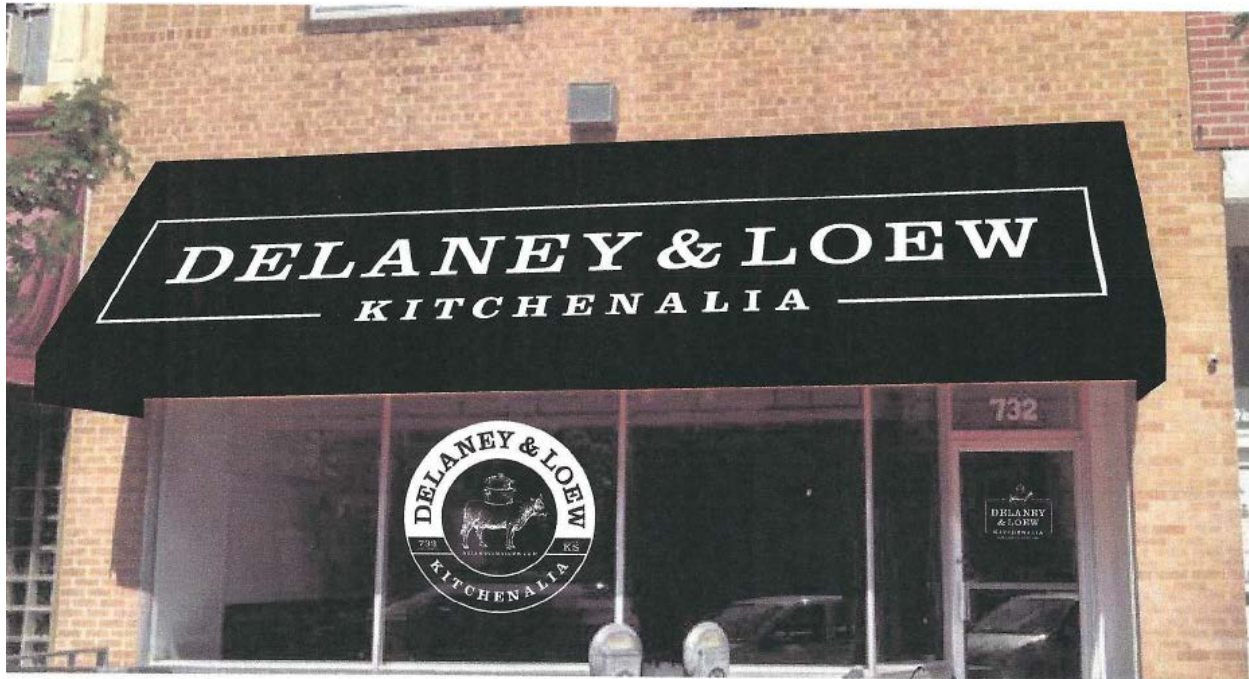
**A. SUMMARY**

DR-16-00424 732 Massachusetts Street; Sign Permit; State Law Review and Downtown Design Guidelines Review

**B. PROJECT DESCRIPTION**

Sign Permit





Proposed Awning Location

### **C. STANDARDS FOR REVIEW**

Secretary of the Interior's Standards for Rehabilitation (State Preservation Law Review)

Downtown Design Guidelines (Downtown Urban Conservation Overlay District)

### **D. STAFF DETERMINATION**

Based on the information provided by the applicant and in accordance with Chapter 20-308(f)(3) of the City Code, staff reviewed this project using the Downtown Design Guidelines and determined that the project, as proposed, meets these development and design standards.

In accordance with the Secretary of the Interior's Standards, the standards of evaluation, staff approved the project and made the determination that the project does not damage or destroy any historic property included in the National Register of Historic Places or the State Register of Historic Places (Register of Historic Kansas Places).

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**LAWRENCE HISTORIC RESOURCES  
ADMINISTRATIVE REVIEW  
STAFF REPORT**

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**A. SUMMARY**

DR-16-00430 1835 Massachusetts Street; Mechanical Permit; State Law Review

**B. PROJECT DESCRIPTION**

Rooftop Mechanical Equipment Replacement

**C. STANDARDS FOR REVIEW**

Secretary of the Interior's Standards for Rehabilitation (State Preservation Law Review)

**D. STAFF DETERMINATION**

In accordance with the Secretary of the Interior's Standards, the standards of evaluation, staff approved the project and made the determination that the project does not damage or destroy any historic property included in the National Register of Historic Places or the State Register of Historic Places (Register of Historic Kansas Places).

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**LAWRENCE HISTORIC RESOURCES  
ADMINISTRATIVE REVIEW  
STAFF REPORT**

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**A. SUMMARY**

DR-16-00434 1835 Massachusetts Street; Rental License; State Law Review

**B. PROJECT DESCRIPTION**

Rental License Registration

**C. STANDARDS FOR REVIEW**

Secretary of the Interior's Standards for Rehabilitation (State Preservation Law Review)

**D. STAFF DETERMINATION**

In accordance with the Secretary of the Interior's Standards, the standards of evaluation, staff approved the project and made the determination that the project does not damage or destroy any historic property included in the National Register of Historic Places or the State Register of Historic Places (Register of Historic Kansas Places).

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**LAWRENCE HISTORIC RESOURCES  
ADMINISTRATIVE REVIEW  
STAFF REPORT**

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**A. SUMMARY**

DR-16-00435 820 Massachusetts Street; Rental License; State Law Review

**B. PROJECT DESCRIPTION**

Rental License Registration

**C. STANDARDS FOR REVIEW**

Secretary of the Interior's Standards for Rehabilitation (State Preservation Law Review)

**D. STAFF DETERMINATION**

In accordance with the Secretary of the Interior's Standards, the standards of evaluation, staff approved the project and made the determination that the project does not damage or destroy any historic property included in the National Register of Historic Places or the State Register of Historic Places (Register of Historic Kansas Places).

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**LAWRENCE HISTORIC RESOURCES  
ADMINISTRATIVE REVIEW  
STAFF REPORT**

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**A. SUMMARY**

DR-16-00436 845 Massachusetts Street; Rental License; State Law Review

**B. PROJECT DESCRIPTION**

Rental License Registration

**C. STANDARDS FOR REVIEW**

Secretary of the Interior's Standards for Rehabilitation (State Preservation Law Review)

**D. STAFF DETERMINATION**

In accordance with the Secretary of the Interior's Standards, the standards of evaluation, staff approved the project and made the determination that the project does not damage or destroy any historic property included in the National Register of Historic Places or the State Register of Historic Places (Register of Historic Kansas Places).

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**LAWRENCE HISTORIC RESOURCES  
ADMINISTRATIVE REVIEW  
STAFF REPORT**

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**A. SUMMARY**

DR-16-00437 814 Massachusetts Street; Rental License; State Law Review

**B. PROJECT DESCRIPTION**

Rental License Registration

**C. STANDARDS FOR REVIEW**

Secretary of the Interior's Standards for Rehabilitation (State Preservation Law Review)

**D. STAFF DETERMINATION**

In accordance with the Secretary of the Interior's Standards, the standards of evaluation, staff approved the project and made the determination that the project does not damage or destroy any historic property included in the National Register of Historic Places or the State Register of Historic Places (Register of Historic Kansas Places).

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**LAWRENCE HISTORIC RESOURCES  
ADMINISTRATIVE REVIEW  
STAFF REPORT**

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**A. SUMMARY**

DR-16-00438 814 1/2 Massachusetts Street; Rental License; State Law Review

**B. PROJECT DESCRIPTION**

Rental License Registration

**C. STANDARDS FOR REVIEW**

Secretary of the Interior's Standards for Rehabilitation (State Preservation Law Review)

**D. STAFF DETERMINATION**

In accordance with the Secretary of the Interior's Standards, the standards of evaluation, staff approved the project and made the determination that the project does not damage or destroy any historic property included in the National Register of Historic Places or the State Register of Historic Places (Register of Historic Kansas Places).

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**LAWRENCE HISTORIC RESOURCES  
ADMINISTRATIVE REVIEW  
STAFF REPORT**

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**A. SUMMARY**

DR-16-00446 916 Kentucky Street; Porch Renovation and Rehabilitation; State Law Review and Certificate of Appropriateness

**B. PROJECT DESCRIPTION**

Porch Repair and Structure Rehabilitation

**C. STANDARDS FOR REVIEW**

Secretary of the Interior's Standards for Rehabilitation (State Preservation Law Review)

Chapter 22 of the Code of the City of Lawrence (Certificate of Appropriateness)

**D. STAFF DETERMINATION**

In accordance with Chapter 22 of the Code of the City of Lawrence, the standards of evaluation, staff determined the proposed project will not significantly encroach on, damage, or destroy the landmarks or their environs and issued the Certificate of Appropriateness for the proposed project.

In accordance with the Secretary of the Interior's Standards, the standards of evaluation, staff approved the project and made the determination that the project does not damage or destroy any historic property included in the National Register of Historic Places or the State Register of Historic Places (Register of Historic Kansas Places).

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**LAWRENCE HISTORIC RESOURCES  
ADMINISTRATIVE REVIEW  
STAFF REPORT**

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**A. SUMMARY**

DR-16-00447 927 Massachusetts Street; interior Remodel; State Law Review

**B. PROJECT DESCRIPTION**

Inflow/Infiltration Abatement Permit

**C. STANDARDS FOR REVIEW**

Secretary of the Interior's Standards for Rehabilitation (State Preservation Law Review)

**D. STAFF DETERMINATION**

In accordance with the Secretary of the Interior's Standards, the standards of evaluation, staff approved the project and made the determination that the project does not damage or destroy any historic property included in the National Register of Historic Places or the State Register of Historic Places (Register of Historic Kansas Places).

**CITY OF LAWRENCE, KANSAS, HISTORIC RESOURCES COMMISSION  
CONFLICT OF INTEREST LAWS AND  
LOCAL CODES OF ETHICS  
November 17, 2016**

Conflict of Interest Laws (K.S.A. 75-4301a *et seq.*)

1. Purpose

- a. The purpose of the Kansas Conflict of Interest Laws is to ensure that public office is not used for private gain. Under the Act, no Historic Resources Commissioner may act on any matter wherein he or she would have a substantial interest.

2. Statement of Substantial Interest (K.S.A. 75-4301a)

- a. As appointed officials, Historic Resources Commissioners are considered "local government officers" as defined at K.S.A. 75-4301a.
- b. The Act does not require a commissioner to file a Statement of Substantial Interest unless:
  - i. The commissioner is "acting upon any matter which will affect any business in which the officer or employee has a substantial interest." K.S.A. 75-4305(a).
  - ii. The commissioner may not act in an official capacity upon any matter that will affect any business in which the commissioner holds a substantial interest until a statement of substantial interest is filed.
- c. A commissioner is not considered to have passed or acted on a matter if he or she abstains from taking any action in regard to the matter. K.S.A. 75-4305(b)

3. What is a Substantial Interest? Under K.S.A. 75-4301a, a Substantial Interest exists:

- a. If an individual or an individual's spouse, either individually or collectively, has owned within the preceding 12 months a legal or equitable interest exceeding \$5,000 or 5% of any business, whichever is less;

- b. If an individual or an individual's spouse, either individually or collectively, has received during the preceding calendar year compensation which is or will be required to be included as taxable income on federal income tax returns of the individual and spouse in an aggregate amount of \$2,000 from any business or combination of businesses;
  - c. If an individual or an individual's spouse, either individually or collectively has received in the preceding 12 months, without reasonable and valuable consideration, goods or services having an aggregate value of \$500 or more from a business or combination of businesses;
  - d. If an individual or an individual's spouse holds the position of officer, director, associate, partner, or proprietor of any business, other than an organization exempt from federal taxation of corporations under section 501(c) (3), (4), (6), (7), (8), (10) or (19) of chapter 26 of the United States Code, irrespective of the amount of compensation received by the individual or the individual's spouse;
  - e. If an individual or an individual's spouse receives compensation which is a portion or percentage of each separate fee or commission paid to a business or combination of businesses, the individual has a substantial interest in any client or customer who pays fees or commissions to the business or combination of businesses from which fees or commissions the individual or individual's spouse, either individually or collectively, received an aggregate of \$2,000 or more in the preceding year.
4. Where Does One File a Statement of Substantial Interest?
- a. A commissioner with a Substantial Interest in a matter must file a written report of the nature of the interest with the county election officer of the county encompassing the officer's or employee's governmental subdivision. In the case of a local commissioner, if he or she is required to file a Statement of Substantial Interest, then it should be filed with the election officer for Douglas County, Kansas.

5. Penalties (K.S.A. 75-4306)
  - a. Failure to file a Statement of Substantial Interest is a Class B misdemeanor. Conviction of a Class B misdemeanor could result in incarceration not to exceed 6 months and/or a fine not to exceed \$1,000.00.
6. Advisory opinions (K.S.A. 75-4303a)
  - a. Written requests for advisory opinions on the interpretation or application of the act can be made to the Government Ethics Commission.
  - b. The Act provides that any person who requests and receives an advisory opinion and who acts in accordance with its provision is presumed to have complied with the Conflicts of Interest law.
7. Kansas Governmental Ethics Commission
  - a. Address and telephone number:

109 West Ninth Street  
Topeka, Kansas 66612-1287  
Telephone: (785) 296-4219
8. City Ethics Policy
  - a. Members of the Historic Resources Commission are appointed officials of the City and must comply with the City Ethics Policy adopted by the City in Resolution 5403.
  - b. The City Ethics Policy requires Historic Resources Commissioners to refrain from:
    - i. Voting, advocating, or participating in any matter from which the commissioner will receive direct financial benefit, defined as any material compensation or reward;
    - ii. Violating the constitutions or laws of the state or the United States;

- iii. Making any promise that would require the commissioner to act beyond the scope of his or her duties or would compromise the integrity of his or her office;
  - iv. Engaging in any business with the City that would be inconsistent with his or her conscientious performance of his or her duties;
  - v. Using confidential information obtained in the course of his or her duties for personal gain, or from revealing said confidential information to third parties;
  - vi. Displaying anything other than the highest level of integrity in the performance of his or her duties;
  - vii. Holding oneself out as acting in behalf of the City or the Historic Resources Commission when one is not; and
  - viii. Assisting and representing the private interests of another while performing his or her official duties.
- c. Historic Resources Commissioners would also be subject to the County Ethics Code.

9. City Attorney's Office

- a. If a Commissioner ever has a question whether or not a conflict of interest exists, the City Attorney's Office is always available to help. My direct telephone line is 785-832-3476.

**CITY OF LAWRENCE, KANSAS, HISTORIC RESOURCES COMMISSION**  
**KANSAS OPEN MEETINGS ACT (KOMA)**  
**November 17, 2016**

1. Kansas Open Meetings Act of 1972 (KOMA)
  - a. KOMA was enacted by the Kansas Legislature in 1972.
  - b. KOMA is codified as amended at K.S.A. 2013 Supp. 75-4317 *et seq.*
2. Purpose, Policy and Construction
  - a. KOMA has been described as the "cornerstone of public access to local and state government." Its fundamental purpose is to require local and state government to conduct the business of the public in public.
  - b. The Kansas public policy underlying KOMA is that "a representative government is dependent on an informed electorate. . ." K.S.A. 2013 Supp. 75-4317(a). It is an express violation of Kansas public policy to adjourn or to move a meeting to another place or time in order to subvert the purposes of KOMA. K.S.A. 2013 Supp. 75-4137(b).
  - c. The courts construe KOMA liberally and its exceptions narrowly in order to effectuate state public policy.
3. KOMA applies only when two criteria are met:
  - a. The governmental body is a covered entity; and
  - b. When the "covered entity" conducts a "meeting" as that term is defined by KOMA.
4. Under KOMA, the City of Lawrence, Kansas, Historic Resources Commission is a covered entity:
  - a. KOMA applies to all legislative and administrative bodies, state agencies, and political and taxing subdivisions of the state. The City of Lawrence, Kansas, and Douglas County, Kansas, as political and taxing subdivisions of the state are covered entities.

- b. Additionally, a covered entity must receive or expend and be supported in whole or in part by public funds. The City and the County both receive and expend public funds and are supported by public funds.
- c. Subordinate agencies of a political subdivision of the state meets the funding test if the subordinate agencies is appointed by the parent body to weigh options, to discuss options, and to present recommendations or plans of action. As such, the City of Lawrence, Kansas, Historic Resources Commission is, for the purposes of KOMA, a covered entity.

5. KOMA's definition of "Meeting"

- a. Under KOMA, K.S.A. 2013 Supp. 75-4317a, the City of Lawrence, Kansas, Historic Resources Commission holds a "meeting" when there is:
  - i. Any gathering or assembly in person or through the use of a telephone or any medium for interactive communications;
  - ii. By a majority of the membership of the Historic Resources Commission
  - iii. For the purpose of discussing the business or affairs of the body or agency.
- b. Any gathering or assembly in person or through the use of a telephone or any medium for interactive communications occurs when:
  - i. Members are in the physical presence of one another, whether it is an official meeting, a work session, a staff briefing, a party, etc.
  - ii. Members participate in telephone calls, including conference calls.
  - iii. Members participate in video conferencing or other interactive online communications, including chat rooms, instant messaging, etc. The mere fact that communication is electronic does not raise KOMA issues, however, in certain circumstances it does. For example, a single e-mail to another member would not implicate KOMA,

but an e-mail to the entire Historic Resources Commission might. So, be wary of hitting "Reply All" if you are going to be discussing official business.

- c. A majority of the membership of the Historic Resources Commission is four members:
  - i. Majority is defined as the next whole number greater than one-half the total number of members.
  - ii. Chapter 22, Article 2, Section 20-201, of the City Code establishes a seven-member Historic Resources Commission.
  - iii. City of Lawrence, Kan., Code § 20-204(A) (July 1, 2013) defines a quorum of the Historic Resources Commission as four members.
  - iv. Consequently, to constitute a majority of the membership of the Historic Resources Commission, there must be four members involved.
- d. For the purpose of discussing the business or affairs of the Historic Resources Commission.
  - i. KOMA is not triggered by a vote, by binding action, or by official action. It is the mere discussion of the business or the affairs of the Historic Resources Commission that triggers KOMA.
  - ii. Individual members of the Historic Resources Commission, even a majority of the membership, may gather at any time, so long as they do not discuss the business of the Historic Resources Commission:
    - (A) Social gatherings or events are not subject to KOMA, so long as four (4) Commissioners do not engage in discussion of the business or affairs of the Historic Resources Commission.
    - (B) Commissioners may attend conferences where items of general interest are discussed, even those related to planning, so long as

four (4) members do not discuss the business or affairs of the Historic Resources Commission.

e. Serial Meetings.

i. KOMA also prohibits serial meetings. A serial meeting is a series of interactive communications involving less than a majority of the Commissioners that:

(A) Collectively involve a majority of the membership of the body;

(B) Share a common topic of discussion concerning business or affairs of the Historic Resources Commission; and

(C) Are intended by any or all of the participants to reach an agreement or a decision on an issue that would require binding action by the Historic Resources Commission at an open meeting.

f. KOMA applies to any gathering or assembly of Commissioners, not just scheduled meetings.

6. Properly Noticed Public Meeting:

a. Since its purpose is to ensure that public business is discussed in public, KOMA requires that meetings be properly noticed and not be informal gatherings outside the public view.

b. To properly notice a meeting, the Historic Resources Commission must provide notice of the date, time, and place of any regular or special meeting to any person requesting notice.

c. It is the duty of the presiding officer or other person in charge of the meeting to provide adequate notice.

d. If an agenda is prepared, it shall be made available to any person requesting it.

7. Meetings open to the public
  - a. KOMA requires that meetings must be held in places accessible to the general public.
  - b. KOMA also requires that all voting be done in public; secret ballots are not permitted.
  - c. The Historic Resources Commission cannot prohibit the use of cameras or other recording devices, but may place reasonable rules and regulations on the use of such devices.
8. Agendas
  - a. KOMA does not require the Historic Resources Commission to prepare agendas for its meetings.
  - b. However, if the Historic Resources Commission prepares an agenda for a meeting, it should include the topics planned for discussion and the meeting should generally follow the prepared agenda.
  - c. Agendas can be amended.
  - d. If an agenda is prepared, copies must be available to those who request them.
9. Enforcement of KOMA (K.S.A. 75-4320a)
  - a. Any person aggrieved by the Historic Resources Commission's violation of KOMA is empowered to bring a private cause of action in District Court.
  - b. The District Attorney and the Attorney General are also given rights to bring actions to enforce the provisions of KOMA
  - c. Remedies include injunction, mandamus, civil penalties, the payment of costs or other appropriate orders, but do not permit a party to recover damages.
  - d. If an action is brought to enforce KOMA under the provisions of K.S.A. 75-4320a it will take precedence over other actions pending in court. In any such action, the burden of proof is switched. In such case, the burden rests on the governmental entity to prove

by a preponderance of the evidence that it complied with the law.

10. Penalties under KOMA

- a. Any binding action taken by the governmental body is voidable.
- b. A civil penalty up to \$500.00 for each violation may be assessed against individual members of the body.
  - i. Only Historic Resources Commissioners that "knowingly" violate the provisions of KOMA can be liable for a civil penalty. The law does not require specific intent to violate KOMA. A "knowing" violation occurs when there is purposeful commission of the act that KOMA prohibits.
- c. The court may also issue injunctions against the governmental body or writs of mandamus requiring the governmental body to take certain action.
- d. The costs of any action to enforce KOMA may also be assessed against the governmental body.

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**LAWRENCE HISTORIC RESOURCES COMMISSION**  
**ITEM NO. 5: DR-16-00431**  
**STAFF REPORT**

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**A. SUMMARY**

DR-16-00431 627 Connecticut Street; New Accessory Structure; Certificate of Appropriateness. The property is located in the environs of the Otto Fischer House (621 Connecticut Street), and the A. J. Griffin House (645 Connecticut Street), Lawrence Register of Historic Places. Submitted by Bowden Complete Construction, LLC, property owners of record.

**B. PROJECT DESCRIPTION**

The applicant is requesting to construct a new accessory 2-car garage structure at 627 Connecticut Street. The new accessory structure will be located 7' 0" from the west property line and 26' 0" from the south property line. The structure will be 8' 0" from the west elevation of the primary structure.

Primary Structure



View from the alley.





The proposed 20' X 22' garage will be wood framed on a concrete slab foundation and will be located to the west of the primary structure. It will be separated from the covered porch on the primary structure by 8' 0" on the west elevation. A connective sidewalk to the covered porch is proposed from the east door of the garage to the rear door of the primary structure. The rear yard is relatively flat and is level to the main level of the primary structure. Access to the garage will be taken off the alley. The garage door will be located on the west elevation of the structure. A human door will be located on the east side facing the primary structure. A single window will be located on the south and north elevations. Lap siding will be matched to the existing primary structure. Concrete paving is proposed for access to the new garage.

### C. STANDARDS FOR REVIEW

#### Chapter 22 of the Code of the City of Lawrence (Certificate of Appropriateness)

(A) An application for a certificate of appropriateness shall be evaluated on a sliding scale, depending upon the designation of the building, structure, site or object in question. The certificate shall be evaluated on the following criteria:

- 1. Most careful scrutiny and consideration shall be given to applications for designated landmarks;*
- 2. Slightly less scrutiny shall be applied to properties designated as key contributory within an historic district;*

*3. Properties designated contributory or non-contributory within an historic district shall receive a decreasing scale of evaluation upon application;*

*4. The least stringent evaluation is applied to noncontributory properties and the environs area of a landmark or historic district. There shall be a presumption that a certificate of appropriateness shall be approved in this category unless the proposed construction or demolition would significantly encroach on, damage, or destroy the landmark or historic district. If the Commission denies a certificate of appropriateness in this category, and the owner(s) appeals to the City Commission, the burden to affirm the denial shall be upon the commission, the City or other interested persons.*

(B) In considering an application for a certificate of appropriateness, the Commission shall be guided by the following general standards in addition to any design criteria in this Chapter and in the ordinance designating the landmark or historic district:

*1. Every reasonable effort shall be made to provide a compatible use for a property that requires minimal alteration of the building, structure, site or object and its environment, or to use a property for its originally intended purpose;*

*2. The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural feature should be avoided when possible;*

*3. All buildings, structures, and sites shall be recognized as products of their own time. Alterations that have no historical basis and that seek to create an earlier appearance shall be discouraged;*

*4. Changes that may have taken place in the course of time are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected;*

*5. Distinctive stylistic features or examples of skilled craftsmanship that characterize a building, structure or site shall be treated with sensitivity;*

*6. Deteriorated architectural features shall be repaired rather than replaced, whenever possible. In the event replacement is necessary, the new materials should match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplication of features, substantiated by historic, physical, or pictorial evidence, rather than on conceptual designs or the availability of different architectural elements from other buildings or structures;*

*7. The surface cleaning of structures shall be undertaken with the gentlest means*

*possible. Sandblasting and other cleaning methods that will damage the historic building material shall not be undertaken;*

*8. Every reasonable effort shall be made to protect and preserve archaeological resources affected by, or adjacent to, and project;*

*9. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alteration and additions do not destroy significant historical, architectural, or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood, or environs.*

The property is located in the environs of the Otto Fischer House (621 Connecticut Street), and the A. J. Griffin House (645 Connecticut Street), Lawrence Register of Historic Places.

### **Environs of the Otto Fischer House**

The environs for 621 Connecticut Street, the Otto Fischer House, have changed since the period of construction. The environs should be reviewed in the following manner.

The area primarily consists of single-family residential structures. The residential character of the environs surrounding the Otto Fischer House is important. The area should maintain the overall residential character of the historic environs and the following should apply:

The proposed alteration or construction should meet the intent of the Criteria set forth in 22-505. Important design elements include scale, massing, site placement, height, directional expression, percentage of building coverage to site, setback, roof shapes, rhythm of openings, and sense of entry. Demolition of properties shall be approved if a compatible structure is proposed on the site. Maintaining views to the listed property and maintaining the rhythm and pattern within the environs are the primary focus of review.

All projects except for demolition of main structures, new infill construction, significant additions, etc. will be reviewed administratively by the Historic Resources Administrator. The proposed alteration or construction should meet the intent of the Criteria set forth in 22-505. The main issue in the review is whether the project will encroach upon the listed property.

Major projects (demolition of main structures, new infill construction, significant additions- greater than 20% of the original structure, etc.) will be reviewed by the Historic Resources Commission. The proposed alteration or construction should meet the intent of the Criteria set forth in 22-505. The main issue in the review is whether the project will encroach upon the listed property.

### **Environs for the A. J. Griffin House**

The environs for 645 Connecticut Street, the A. J. Griffin House, have changed since the period of construction. The environs should be reviewed in the following manner.

The area primarily consists of single-family residential structures. The residential character of the environs surrounding the A. J. Griffin House is important. The area should maintain the overall residential character of the historic environs and the following should apply:

The proposed alteration or construction should meet the intent of the Criteria set forth in 22-505. Important design elements include scale, massing, site placement, height, directional expression, percentage of building coverage to site, setback, roof shapes, rhythm of openings, and sense of entry. Demolition of properties shall be approved if a compatible structure is proposed on the site. Maintaining views to the listed property and maintaining the rhythm and pattern within the environs are the primary focus of review.

All projects except for demolition of main structures, new infill construction, significant additions, etc. will be reviewed administratively by the Historic Resources Administrator. The proposed alteration or construction should meet the intent of the Criteria set forth in 22-505. The main issue in the review is whether the project will encroach upon the listed property.

Major projects (demolition of main structures, new infill construction, significant additions- greater than 20% of the original structure, etc.) will be reviewed by the Historic Resources Commission. The proposed alteration or construction should meet the intent of the Criteria set forth in 22-505. The main issue in the review is whether the project will encroach upon the listed property.



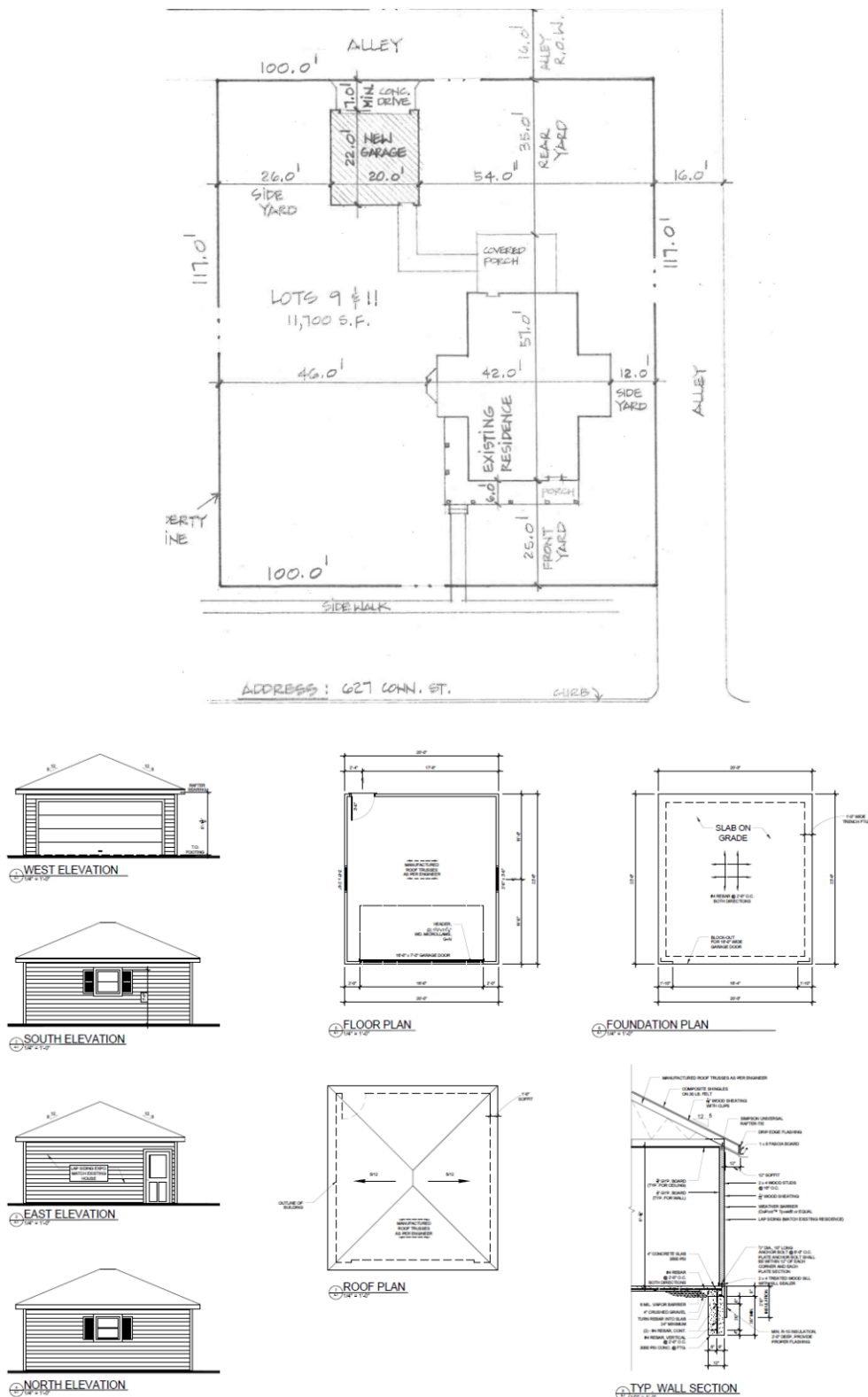
#### **D. STAFF ANALYSIS**

The primary structure located at 627 Connecticut Street was constructed c. 1890. 627 Connecticut Street is not listed in any historic register. This is a Certificate of Appropriateness review for a project located in the environs of listed properties.

Environs review for a Certificate of Appropriateness begins with a presumption that a Certificate of Appropriateness will be approved unless the proposed construction or demolition would significantly encroach on, damage, or destroy the landmark or historic district.

The standard that applies to this project from Section 22-505 is Standard 9 that addresses new construction. New construction should be compatible with the size, scale, color, material, and character of the environs. In addition to review by 22-505, the proposed new construction should be reviewed using the design criteria in 22-506. These design criteria help to promote the standards set forth in 22-505. Specifically, 22-506(c)(2) provides review criteria for new construction. Identified criteria for new construction includes but is not limited to building scale, height, orientation, site coverage, spatial separation from other buildings, facade and window patterns, entrance and porch size and general design, materials, textures, color, architectural details, roof forms, emphasis on horizontal or vertical elements, walls, fences, landscaping, and other features deemed appropriate by the Commission.

The proposed accessory structure will be used as a 2 car garage. It will be located to the west of the primary structure and behind the plane created by the south elevation of the structure. The size and placement of the accessory structure are typical for the environs of the listed properties. The garage will have access from the alley which is also typical in the environs and is in keeping with the historic and existing residential pattern. The new concrete access driveway associated with the new accessory structure is relatively small and will not impact the environs of the listed properties.



Project drawings

The proposed garage structure is simple in design and size. The orientation to the street, the entrance locations, and the directional expression of the proposed structure are compatible with the environs. The height of the new structure is less than the height of the primary structure. The proposed structure uses compatible materials that reflect the materials of the primary structure and the materials in the environs of the listed properties. The applicant has not included window specifications for the windows of the structure. Staff does not recommend vinyl windows. The commission should ask the applicant to verify the window materials.

The proposed project is located in the environs of the Otto Fischer House (621 Connecticut Street), and the A. J. Griffin House (645 Connecticut Street), Lawrence Register of Historic Places. There is a direct line of sight from the listed properties to the proposed structure. The new structure will be partially visible from the primary elevations of the listed properties.



627 Connecticut Street is not listed in the Lawrence Register of Historic Places and the review for this project is an environs review. The least stringent evaluation is applied to the environs area of a landmark. There is a presumption that a certificate of appropriateness will be approved unless the proposed project will significantly encroach on, damage, or destroy the landmarks.

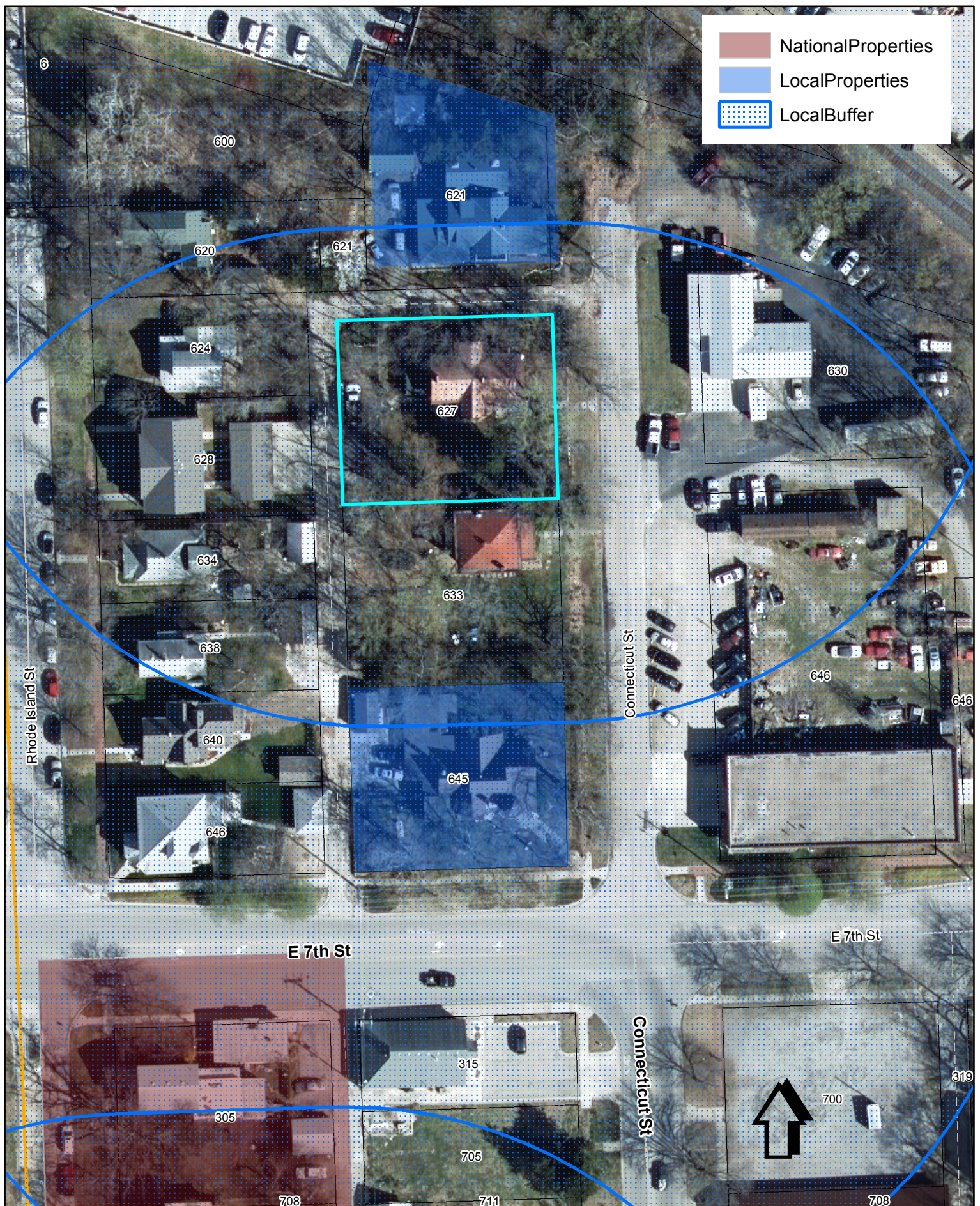
Staff is of the opinion the design of the garage is compatible with the primary structure and the environs of the listed properties in size, scale, massing, setbacks, and materials. The garage is a contemporary design allowed by the standards because it does not destroy significant historical, architectural, or cultural material.

## **E. STAFF RECOMMENDATION**

### **Certificate of Appropriateness**

In accordance with Chapter 22 of the Code of the City of Lawrence, the standards of evaluation, staff recommends the Commission find that the proposed project will not significantly encroach on, damage, or destroy the landmarks or their environs and issue the Certificate of Appropriateness for the proposed project noting that any significant revisions or modifications to the project shall be forwarded to the Historic Resources Commission for review and any minor alterations to the project will be reviewed administratively.

# 627 Connecticut Street





# City of Lawrence Douglas County

PLANNING & DEVELOPMENT SERVICES

Pre-Application Meeting Required  
Planner \_\_\_\_\_  
Date \_\_\_\_\_  
Application Number \_\_\_\_\_  
DR- \_\_\_\_\_  
Date Received \_\_\_\_\_  
Type \_\_\_\_\_

6 East 6<sup>th</sup> St.  
P.O. Box 708  
Lawrence, KS 66044

[www.lawrenceks.org/pds](http://www.lawrenceks.org/pds)

Phone 785-832-3150  
Tdd 785-832-3205  
Fax 785-832-3160

## DESIGN REVIEW APPLICATION

### PROPERTY INFORMATION

Address of Property 627 Connecticut Lawrence, KS 66044

Legal Description (may be attached) \_\_\_\_\_

**RECEIVED**

### OWNER INFORMATION

Name(s) Mark Bowden

Contact Mark

Address 25810 primrose Ln.

City Lawrence

State KS ZIP 66044

Phone (785) 550-5090

Fax (\_\_\_\_) \_\_\_\_\_

E-mail BCLCC@yahoo.com

Mobile/Pager (\_\_\_\_) \_\_\_\_\_

OCT 04 2016  
City County Planning Office  
Lawrence, Kansas

### APPLICANT/AGENT INFORMATION

Contact \_\_\_\_\_

Company \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ ZIP \_\_\_\_\_

Phone (\_\_\_\_) \_\_\_\_\_ Fax (\_\_\_\_) \_\_\_\_\_

E-mail \_\_\_\_\_ Mobile/Pager (\_\_\_\_) \_\_\_\_\_

Existing Zoning	Existing Land Use	Proposed Land Use	
Total site area	Current Appraised Value	Existing Building Footprint	Open Space Area
# of Buildings	Estimated Cost of Construction <u>\$20,000</u>	Proposed Building Footprint <u>440 sqft</u>	Pavement Coverage <u>440 sqft</u>
<b>Are you also submitting any of the following applications?</b>			
<input type="checkbox"/> Building Permit	<input checked="" type="checkbox"/> Site Plan	<input type="checkbox"/> Special Use Permit	<input type="checkbox"/> Zoning Change
<input type="checkbox"/> Variance	<input type="checkbox"/> Other (specify) _____		

DR-16-00431

**Property**

**Address:** 627 Connecticut St. Lawrence, Ms 36044

**Detailed Description of Proposed Project:**

**(Attach additional sheets if necessary)**

Build a 20'x22' Detached Garage on the back of the property. The Building will have the same exterior materials as the existing house such as 6" Lap siding, white windows, color same as, Roofing black composition shingles.

**Reason for Request:**

**(Attach additional sheets if necessary)**

Structure is in the Historical district and requires approval to obtain a building permit.

**Architect/Engineer/Contractor Information:** Please provide name and phone number of any persons associated with the project.

Contact Mark Bowden  
Company Bowden Complete Construction LLC  
Address 25810 primrose Ln.  
City Lawrence State ks ZIP 66044  
Phone (785) 550-5090 Fax (\_\_\_\_)  
E-mail BCC.LCC@Yahoo.Com Mobile/Pager (\_\_\_\_)

**REQUIRED ATTACHMENTS:**

- ☐ **Photographs of existing structure and site**
- ☐ **Scaled or dimensioned site plan**
- ☐ **Scaled elevation drawings**
- ☐ **Scaled or dimensioned floor plans**
- ☐ **Materials list**
- ☐ **Digital copy of application materials**

***ADDITIONAL INFORMATION MAY BE REQUIRED BASED ON THE SCOPE OF THE PROJECT***

**SIGNATURE**

I/We, the undersigned am/are the **(owner(s))**, **(duly authorized agent)**, **(Circle One)** of the  
aforementioned property. By execution of my/our signature, I/we do hereby officially apply for  
design review approval as indicated above.

Signature(s): Mu Ruo Date 10/3/16

\_\_\_\_\_ Date \_\_\_\_\_

Date \_\_\_\_\_

**Note: If signing by agent submit Owner Authorization Form**



# City of Lawrence Douglas County

PLANNING & DEVELOPMENT SERVICES

6 East 6<sup>th</sup> St.  
P.O. Box 708  
Lawrence, KS 66044

[www.lawrenceks.org/pds](http://www.lawrenceks.org/pds)

Phone 785-832-3150  
Tdd 785-832-3205  
Fax 785-832-3160

## OWNER AUTHORIZATION

I/WE Mark Bowden hereby referred to as the "Undersigned", being of lawful age, do hereby on this 4th day of October, 20 16 make the following statements to wit:

1. I/We the Undersigned, on the date first above written, am/are the lawful owner(s) in fee simple absolute of the following described real property:

See "Exhibit A, Legal Description" attached hereto and incorporated herein by reference.

2. I/We the undersigned, have previously authorized and hereby authorize (Herein referred to as "Applicant"), to act on my/our behalf for the purpose of making application with the Planning Office of Lawrence/Douglas County, Kansas, regarding \_\_\_\_\_ (common address), the subject property, or portion thereof. Such authorization includes, but is not limited to, all acts or things whatsoever necessarily required of Applicant in the application process.
3. It is understood that in the event the Undersigned is a corporation or partnership then the individual whose signature appears below for and on behalf of the corporation or partnership has in fact the authority to so bind the corporation or partnership to the terms and statements contained within this instrument.

IN WITNESS THEREOF, I, the Undersigned, have set my hand and seal below.

Mark Bowden  
Owner

STATE OF KANSAS  
COUNTY OF DOUGLAS

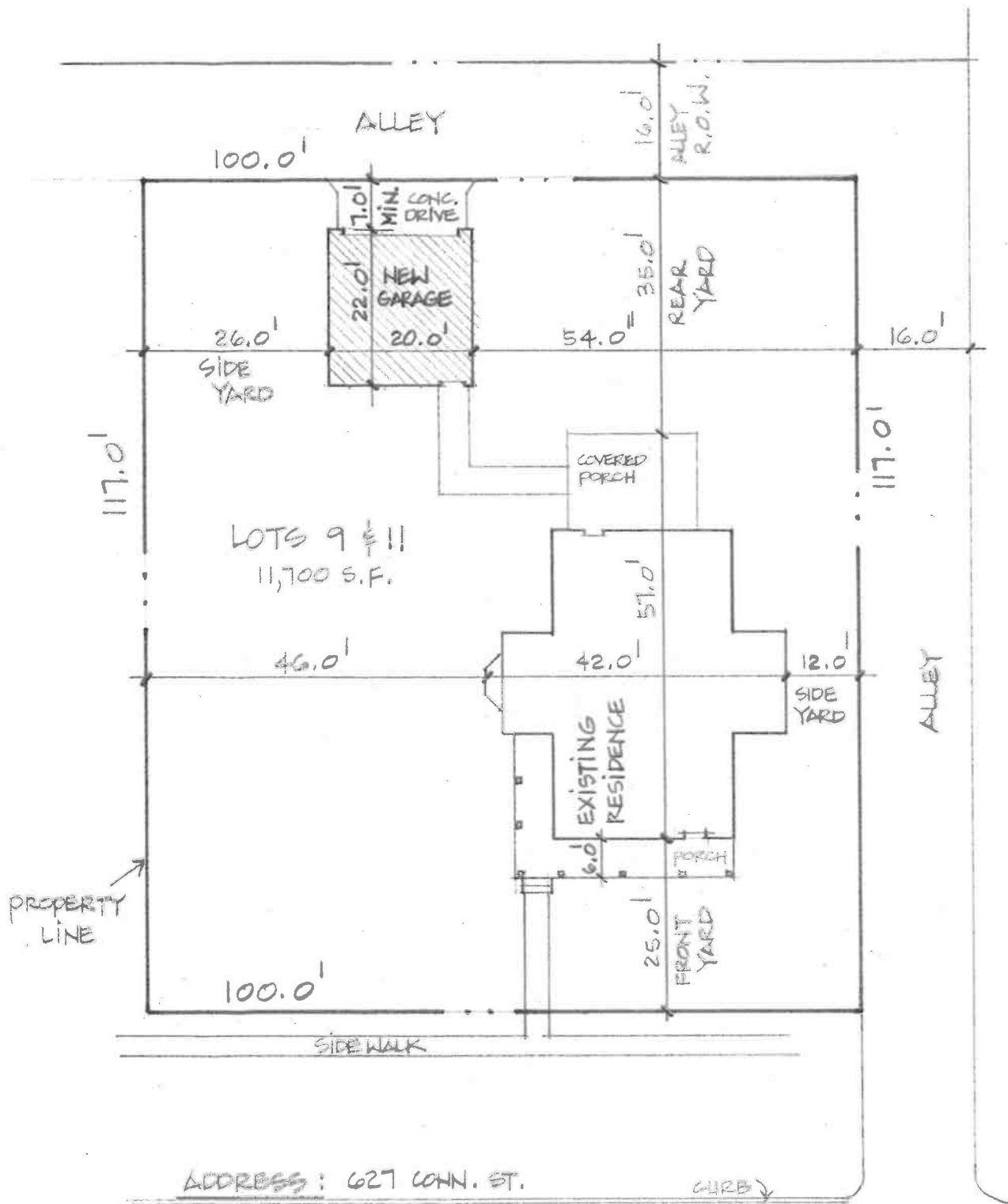
The foregoing instrument was acknowledged before me on this 4th day of October, 20 16  
by Mark Bowden

My Commission Expires: 10-12-16

Michelle D. Fales  
Notary Public

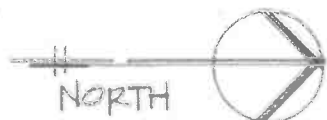






# SITE PLAN

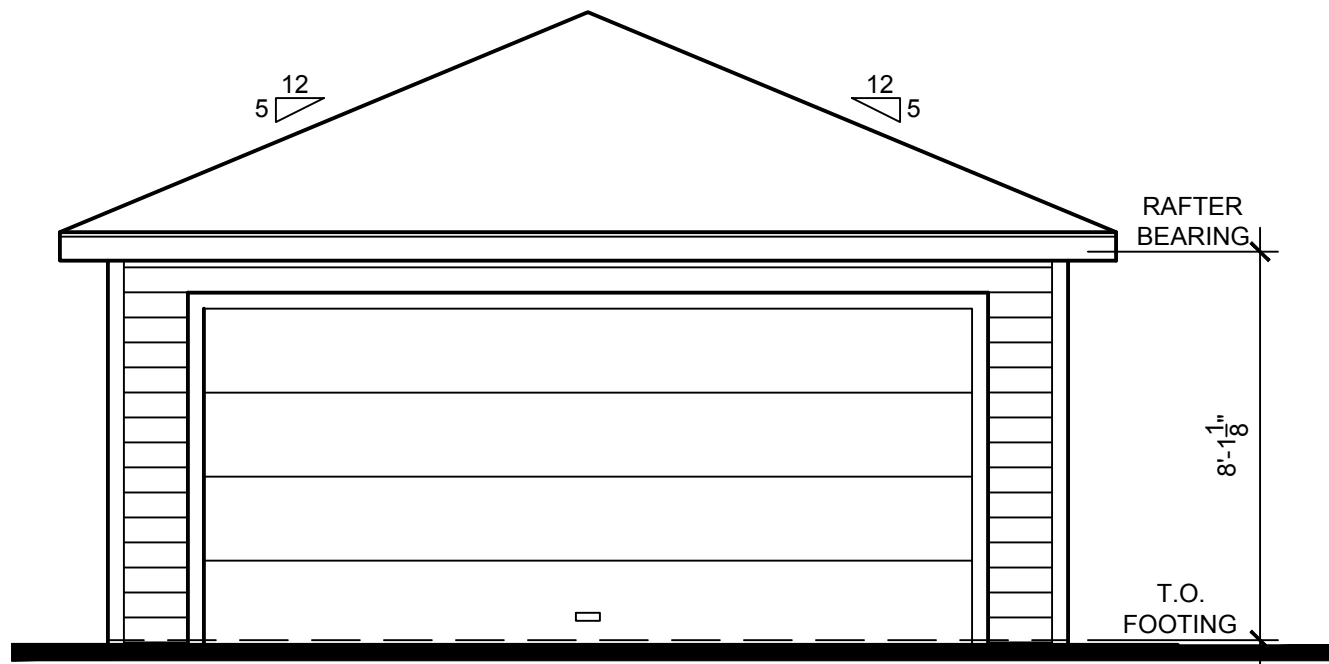
SCALE: 1" = 20.0'



CONNECTICUT STREET

## LEGAL:

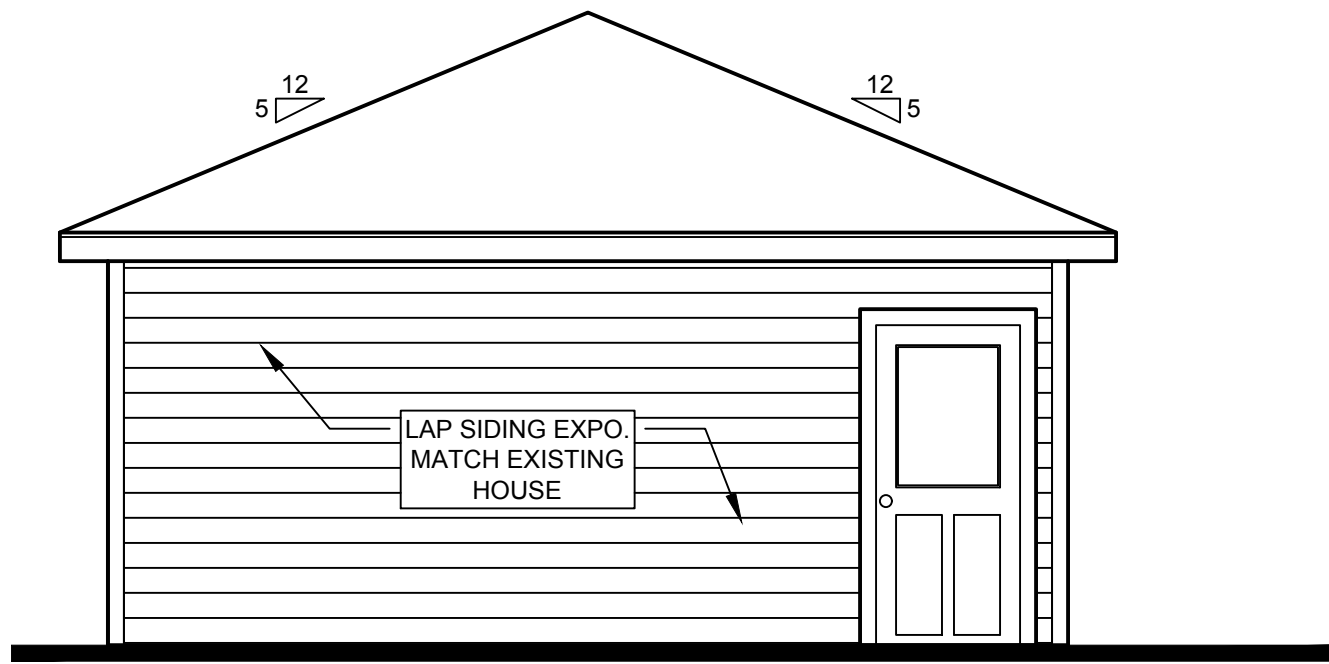
LOTS # 9 & # 11  
ORIGINAL TOWN SITE,  
CITY OF LAWRENCE, COUNTY  
OF DOUGLAS, STATE OF  
KANSAS.



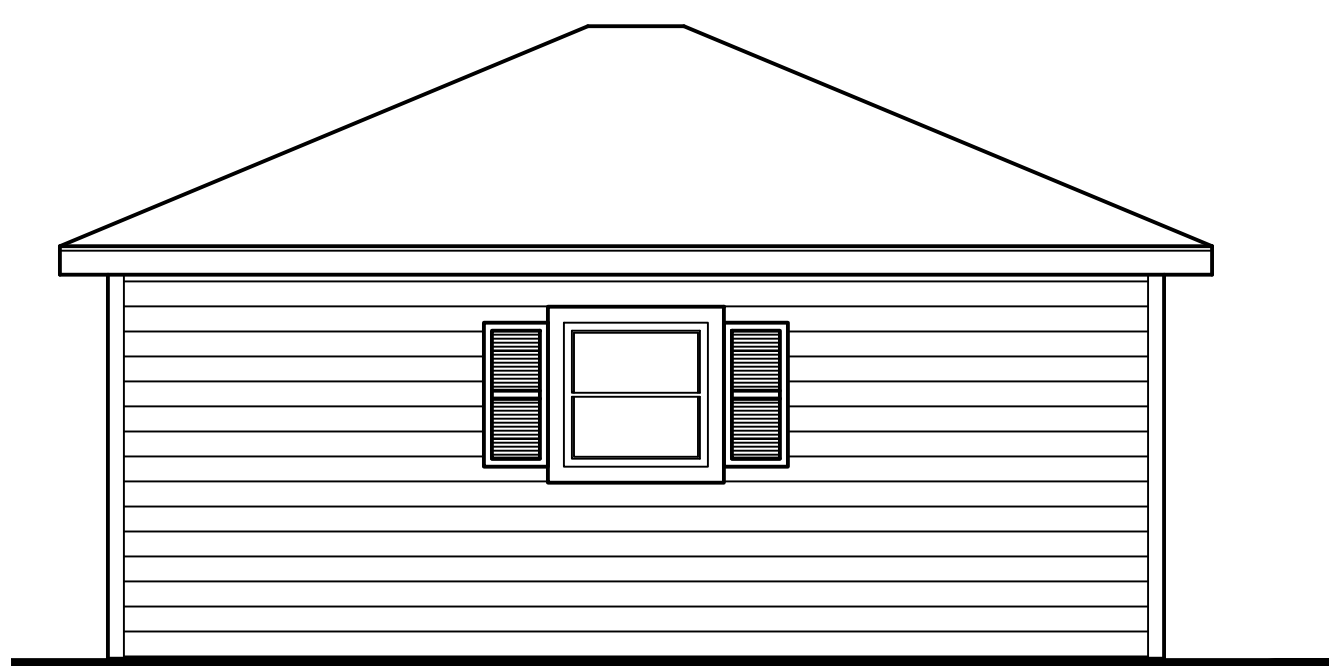
1 WEST ELEVATION  
1/4" = 1'-0"



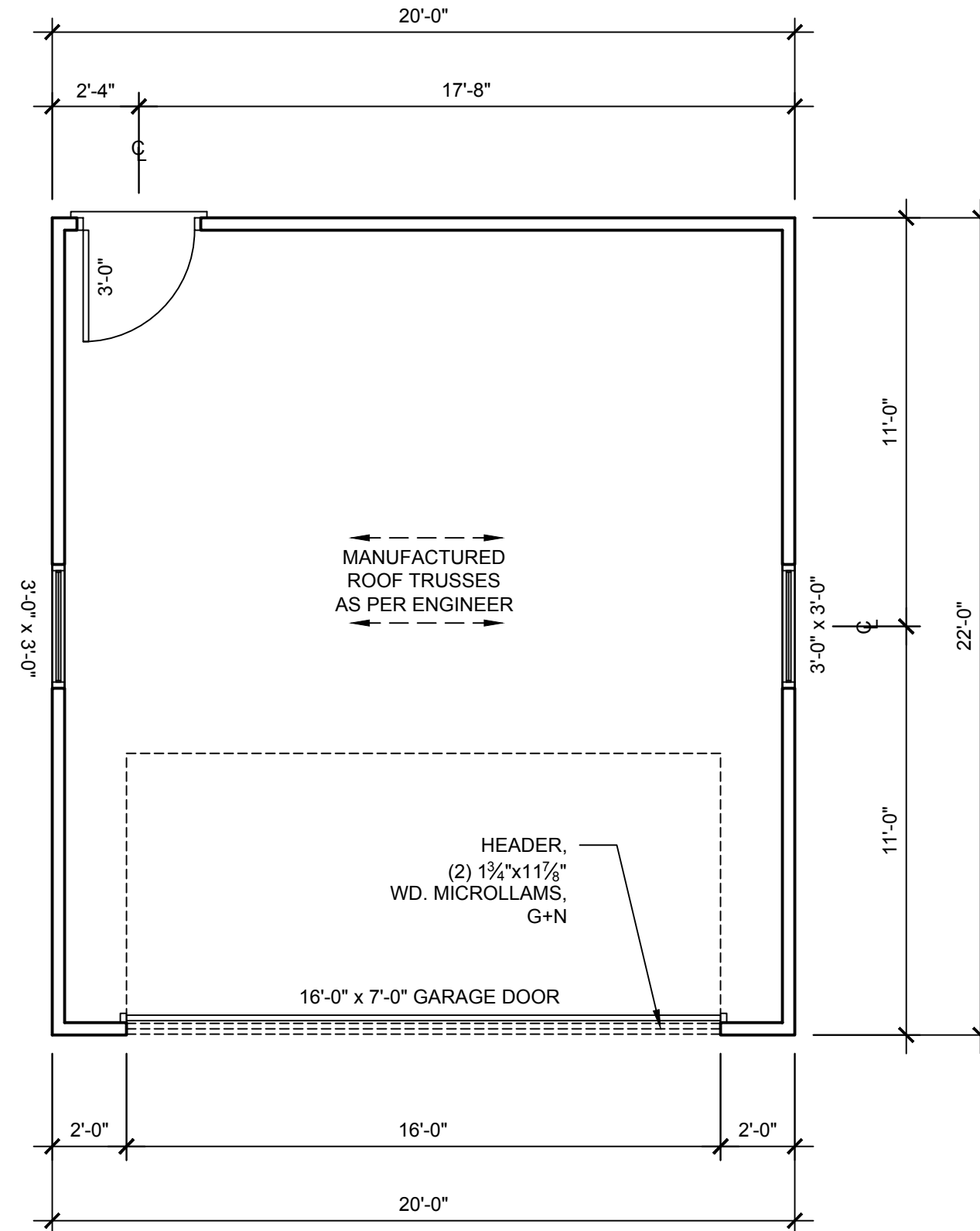
2 SOUTH ELEVATION  
1/4" = 1'-0"



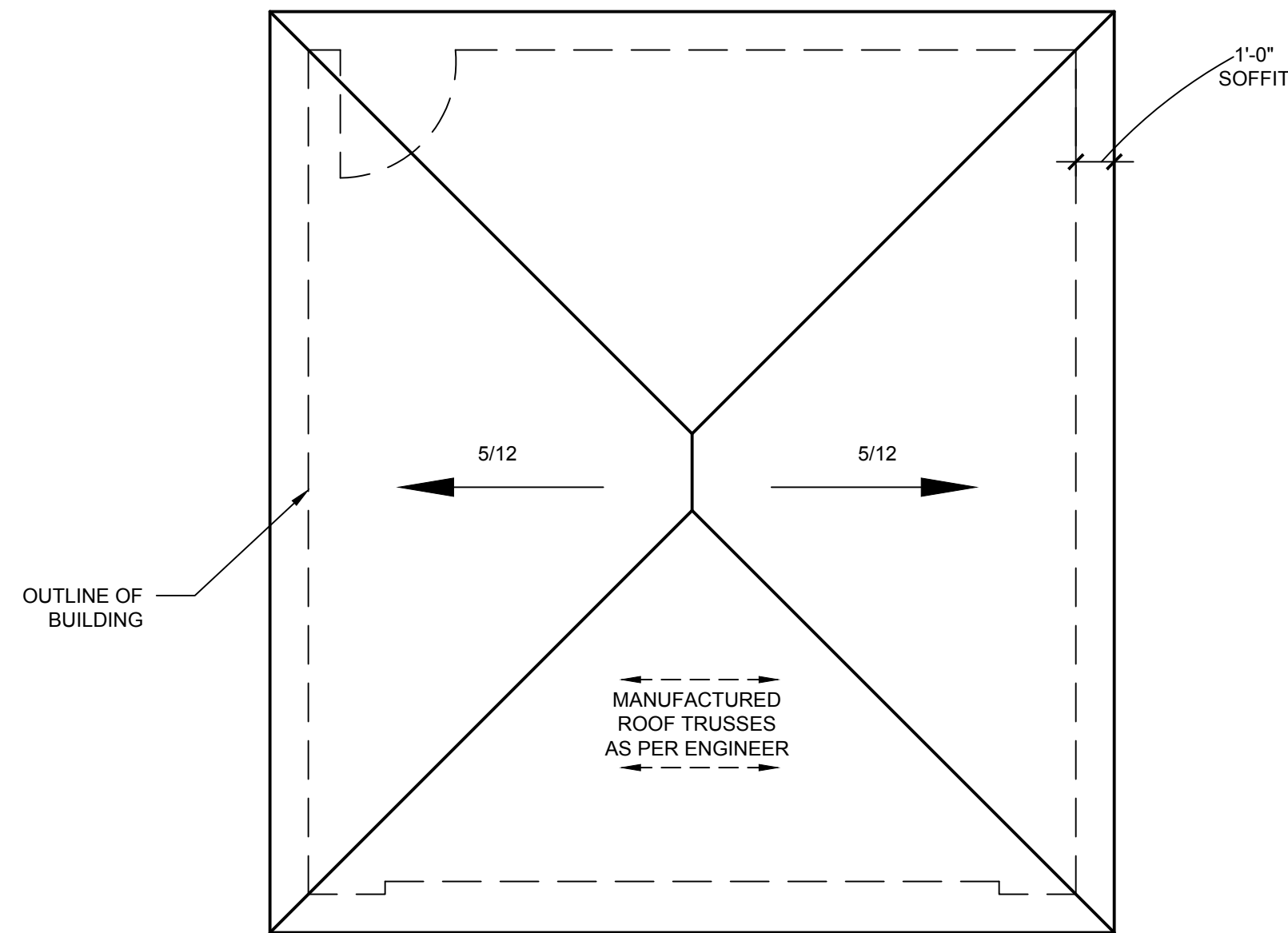
3 EAST ELEVATION  
1/4" = 1'-0"



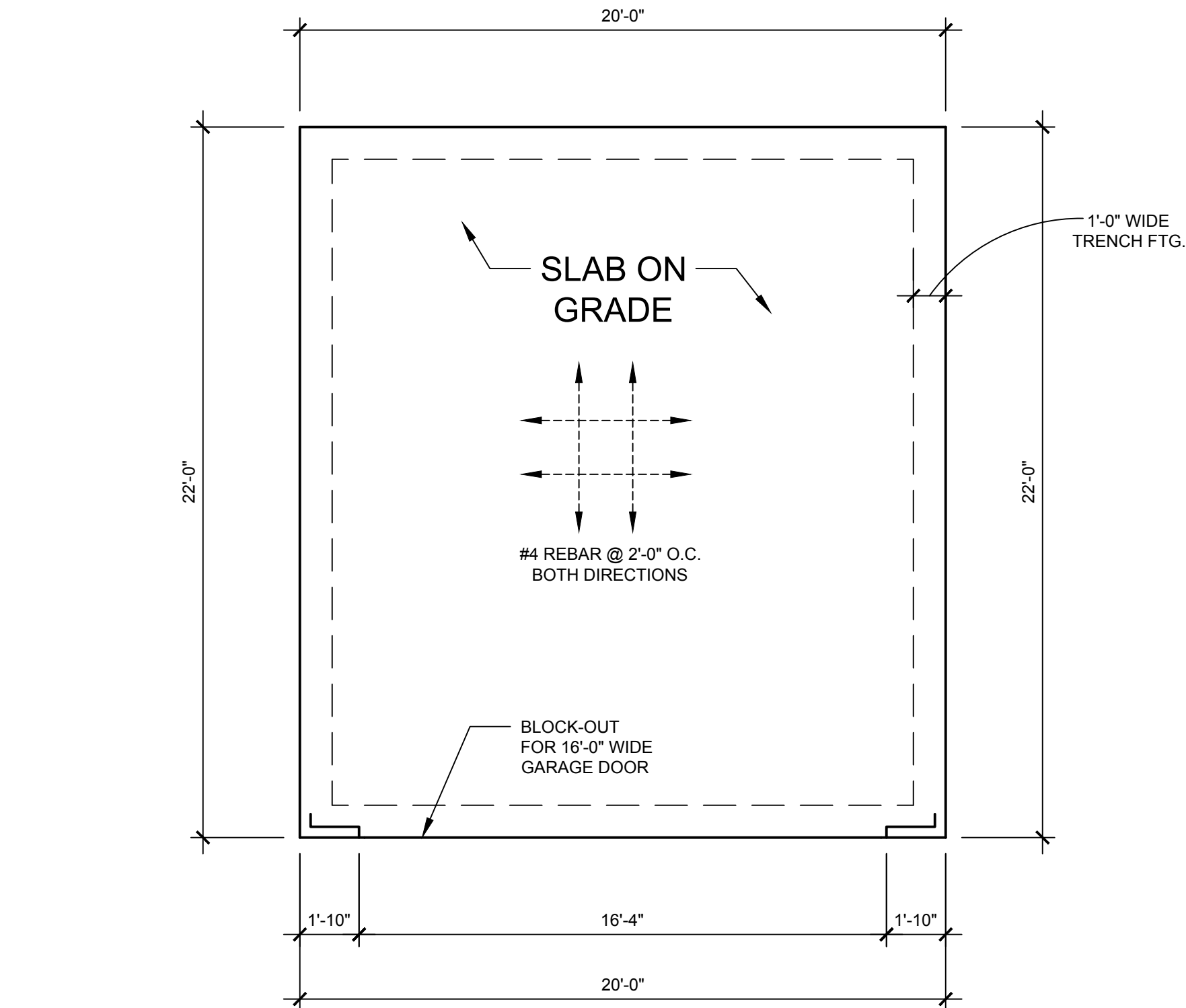
4 NORTH ELEVATION  
1/4" = 1'-0"



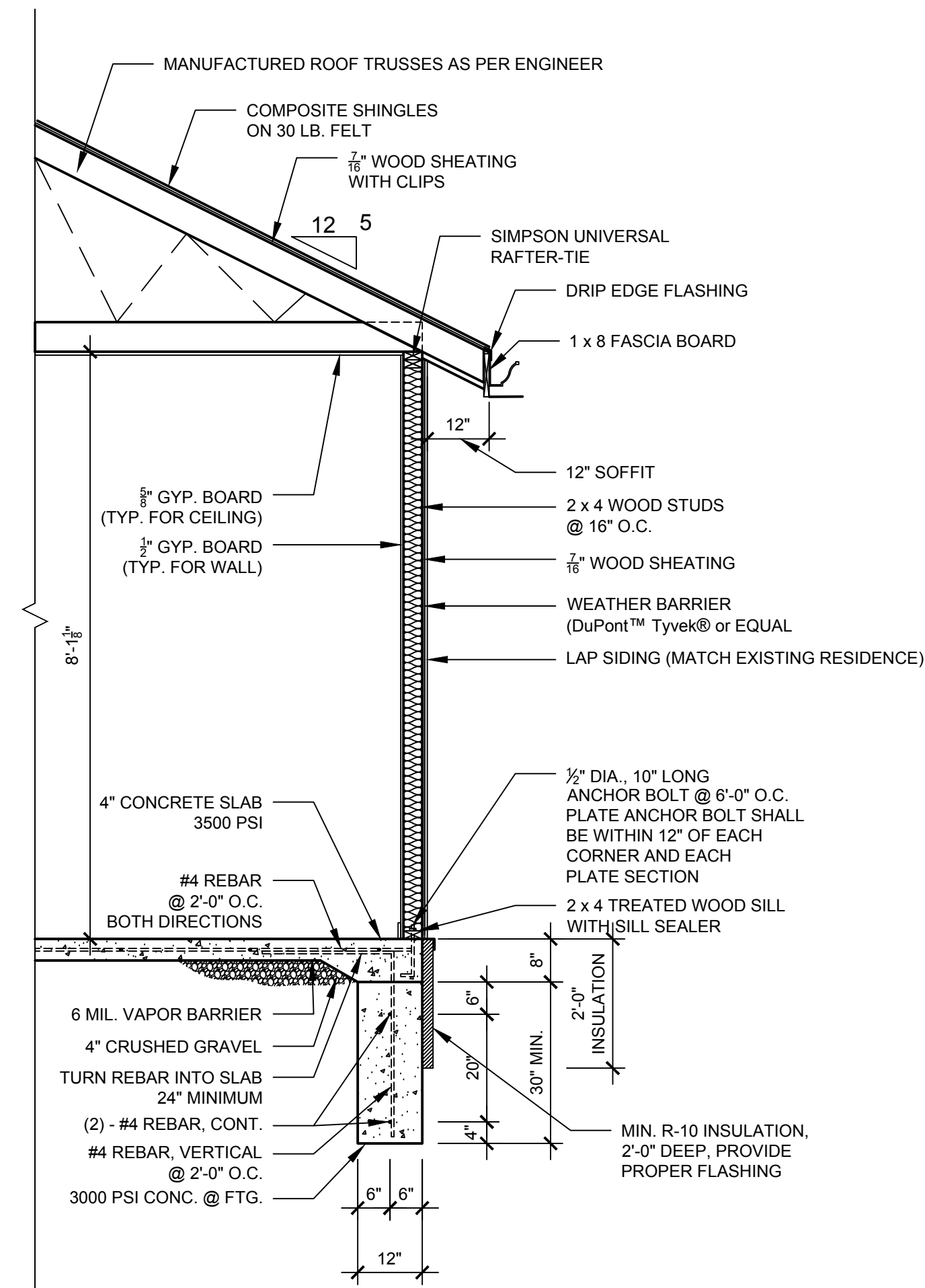
5 FLOOR PLAN  
1/4" = 1'-0"



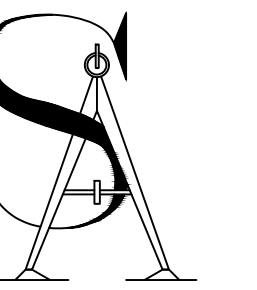
7 ROOF PLAN  
1/4" = 1'-0"



6 FOUNDATION PLAN  
1/4" = 1'-0"



8 TYP. WALL SECTION  
1/2" = 1'-0"



SCHNEIDER & ASSOCIATES  
ARCHITECTS  
2859 FOUR WHEEL DR. SUITE 16B  
LAWRENCE, KS 66047  
(785) 841-3752

627 CONNECTICUT ST.  
LAWRENCE, KS.

Certification

Fred A. Schneider - Architect  
KS # 3976

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ELEVATIONS

Issue Date:  
9-21-2016

Sheet:  
A-1

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**LAWRENCE HISTORIC RESOURCES COMMISSION**  
**ITEM NO. 6: DR-16-00454**  
**STAFF REPORT**

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**A. SUMMARY**

DR-16-00454 1327 New Hampshire Street; New Accessory Structure; State Law Review. The primary structure is listed as a contributing structure to South Rhode Island and New Hampshire Streets Historic Residential District, National Register of Historic Places. Submitted by Kyle Weiland, the property owner of record.

**B. PROJECT DESCRIPTION**

The applicant proposes to construct an accessory structure located at 1327 New Hampshire Street. This new accessory structure will be placed in a similar location as the historic accessory structure that was approved for demolition by the HRC on August 18, 2016 (DR-16-00300).



Primary Structure 1327 New Hampshire Street



Proposed Accessory Structure Location

The proposed structure will be 885 square feet. The garage portion of the structure will be approximately 25' 8" north to south and 24' 8" east to west. The additional storage area on the east end of the structure is identified as 13' 6" east to west and 18' 8" north to south. The total continuous length of the structure on the north elevation is 38' 2". The structure will be placed 5' from the north property line, 5' 6" from alley (west) property line, 40' from the south property line, and 10' 9" from primary structure to the east.

The new garage portion of the structure will be 22' 4" from grade to the peak of the roof and the storage area will be 11' to the roof. A deck on the east side of the storage area will have a 3' railing with stairs to the ground level.

Fenestration for the structure includes one small window on the north elevation; two double car garage doors, an overhead door, and a standard entry door on the south elevation; a window and door on the upper level of the east elevation; and an upper and lower window on the west elevation.

Materials for the structure include fiber cement lap siding, non-vinyl clad windows, steel doors, and asphalt shingles for the roof.

The applicant also proposes a 30' by 28' concrete pad to serve as access to the garage. A patio using wood and/or stone is proposed to be located between the house and the garage portion of the new structure and concrete pad.

### **C. STANDARDS FOR REVIEW**

#### State Preservation Law Review (K.S.A. 75-2724)

For State Preservation Law Review of projects involving listed properties, the Historic Resources Commission uses the Secretary of the Interior's Standards to evaluate the proposed project. Therefore, the following standards apply to the proposed project:

- 1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.*
- 2. The historic character of a property shall be retained and preserved. The removal of historic material or alteration of features and spaces that characterize a property shall be avoided.*
- 3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.*
- 4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.*
- 5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.*
- 6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.*
- 7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.*
- 8. Significant archaeological resources affected by a project shall be protected and*

*preserved. If such resources must be disturbed, mitigation measures shall be undertaken.*

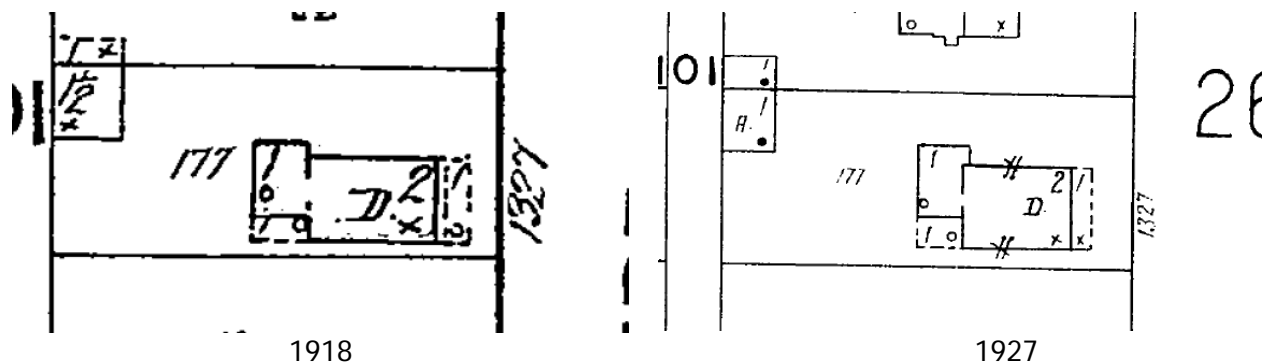
*9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.*

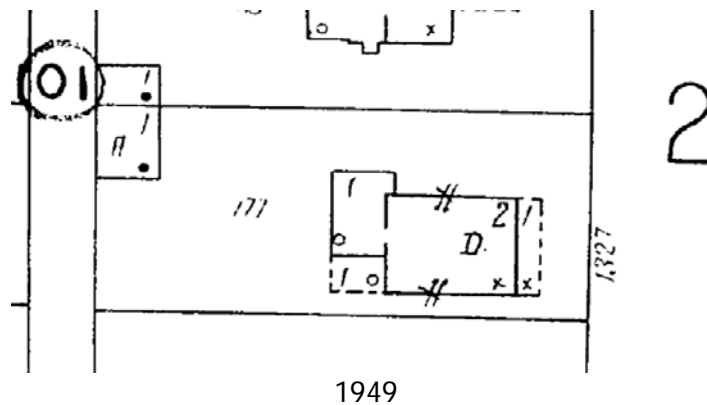
*10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historical property and its environment would be unimpaired.*

#### **D. STAFF ANALYSIS**

The main structure located at 1327 New Hampshire Street is listed as a contributing structure to the South Rhode Island and New Hampshire Streets Historic Residential District, National Register of Historic Places. Currently there are no accessory structures on the lot. A historic garage was approved for demolition by the HRC in August 2016 due to the significant deterioration of the garage structure. (DR-16-00300) At the time of the HRC approval for the demolition, the owner stated the intension was to build a new structure in a similar location on the lot in the future.

The 1918 Sanborn Map shows a 1 ½ story accessory structure in approximately the same location as the proposed structure. By 1927, a one story accessory structure is shown in a similar location. This location and size of the previous historic structure is also on the 1949 map. The historic structure appears to have been located on the alley (west) property line and the north property line. This location is typical for the historic district and is also shown for an accessory structure(s) previously located on the lot to the north.





There are a few remaining accessory structures (8) along the alley adjacent to this property. Only half of the structures are located directly on the alley property line with no setback from the north or south property line. Accessory structures along this alley are predominately simple gabled-roof structures that are oriented both north/south and east/west. The majority of the accessory structures on this alley are smaller in footprint and height than the proposed structure. Most of the remaining properties have parking areas that often incorporate the entire width of the area adjacent alley. Five of the properties along the alley have no or minimal green space in the rear yards.

The applicant proposes to build an 885 square foot accessory structure on the northwest corner of the property. The structure will be 2 stories with the garage doors facing the south. The garage will be placed 5' off the alley and 5' from the north property line. The structure will be clad in cementitious lap siding and the roof will have composite shingles. The length of the structure will vary as will the width due to the design of the structure. The tallest portion of the structure will be approximately 22' feet in height. The ground floor will be used for a garage and storage and the upper floor will be used for storage space. The color of the structure will be complementary to the main structure. The applicant also proposes a patio to the east of the garage and a parking and garage access concrete pad to the south of the structure.

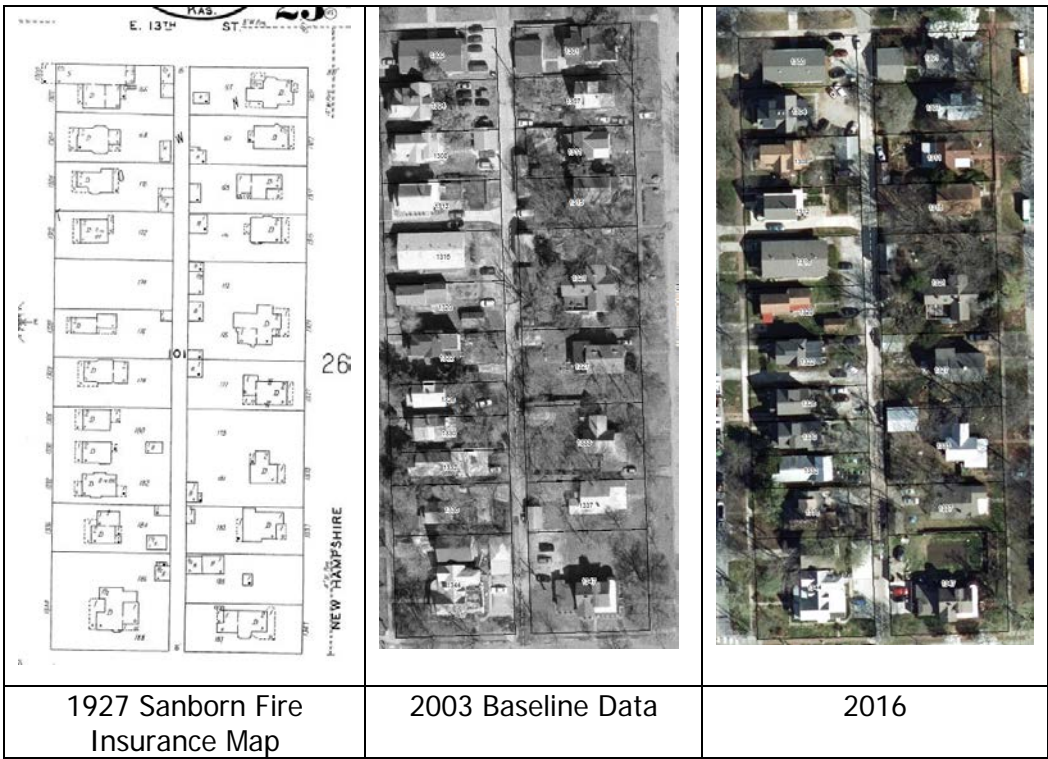
Secretary of the Interior's Standards 2, 9, and 10 apply to this project.

The relationships and rhythm between the accessory structures, landscape features, and open space, help to create the overall character of historic districts. Using Standard 2, it is important not to remove or alter the spaces that characterize a property. The South Rhode Island and New Hampshire Streets Historic Residential District has an overall rhythm and pattern that is typical of the historic areas in Lawrence. This pattern is established by the front yard setbacks of the primary structures from the street to create an open greenspace area, the primary structures, and then an open, often green space, rear yard. Accessory structures were almost always close to the rear property lines in areas that had alleys. When reviewing projects within this district, it is important to maintain this rhythm and pattern of the area.

Often the challenge to maintain this important character defining element of a listed property is the desire for a modern use of rear yards to incorporate larger accessory structures for larger automobiles and storage spaces as well as the installation of a hardscape or suburban deck that will cover the rear yard space.

This lot is 75 feet wide with an approximate rear yard space of 3955 square feet. The combined coverage proposed for the rear yard is approximately 2243 square feet with approximately 1712 square feet remaining as green space.

When this district was listed in 2004, the alley-scape was already altered and was similar to the existing appearance. Part of this alteration may be a reflection of the mix of residential uses facing Massachusetts Street.



Because the existing pattern of this alley existed at the time of nomination and because the development pattern of this alley includes the loss of rear yard green space primarily for parking, staff is of the opinion that the reduction of rear yard green space due to the placement of a large structure and concrete pad will not encroach upon, damage, or destroy the listed historic property.

While the proposed structure is within the range for placement of accessory structures in the historic district, the size, including the height, and the scale and massing of the structure are not typical for the historic district. Standard 9 states that new construction should be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment. The size and height of the structure will be one of the largest in this alley. The fenestration pattern adds to the overall perceived non-compatible scale and mass of the structure. The majority of the accessory structures on this alley are one story in height while the proposed structure is two stories. Two story accessory structures do exist in the neighborhood but they are not typical in the district and are most often new construction. The proposed materials and features of the proposed structure are compatible with the district.

The historic character of this alley has been altered over time and like the loss of rear yard green space, the introduction of such a large structure to accommodate the applicant's desire for a modern structure does not significantly impact the historic district because of the proposed location in the district. If the purpose of Standard 9 is to protect the historic integrity of the property and environment, it is difficult to identify how the proposed structure could impact the overall character of the historic district or its environment due to the documented existing conditions of the alley that were present at the time of listing. While the size, height, scale and massing of the proposed structure do not add to the historic patterns and structure sizes of the district, overall new structure does not alter the character defining features of the district.

It is important to recognize that while this location may allow for a structure of this size, scale and massing, a similar structure may not be appropriate for a different area of the district.

Standard 10 is also a consideration in this review. Due to the location on the property and because the new construction is an independent structure with no connection to any historic structure, the removal of the proposed accessory structure in the future can in no way impact the listed historic property.

Staff is of the opinion the proposed accessory structure is within the range of existing accessory structures in the district. The alterations of this alley create a landscape that can accommodate the size, height, scale and massing of the proposed structure. While the proposed structure is not typical for the district, staff's assessment of the project is that it will not significantly encroach on, damage, or destroy the listed property, the South Rhode Island and New Hampshire Streets Historic Residential District, National Register of Historic Places.

## **E. STAFF RECOMMENDATION**

In accordance with the Secretary of the Interior's Standards, the standards of evaluation, staff recommends the Commission approve the project and make the determination that the project does not encroach upon, damage, or destroy one or more listed historic properties.

# 1327 New Hampshire Street





City of Lawrence  
Douglas County  
PLANNING & DEVELOPMENT SERVICES

Pre-Application Meeting Required  
Planner \_\_\_\_\_  
Date \_\_\_\_\_  
Date Received \_\_\_\_\_

6 East 6<sup>th</sup> St.  
P.O. Box 708  
Lawrence, KS 66044

[www.lawrenceks.org/pds](http://www.lawrenceks.org/pds)

Phone 785-832-3150  
Tdd 785-832-3205  
Fax 785-832-3160

## DESIGN REVIEW APPLICATION

### PROPERTY INFORMATION

Address of Property 1327 New Hampshire St.  
Legal Description (may be attached) \_\_\_\_\_

### OWNER INFORMATION

Name(s) Kyle & Lindsey Weiland  
Contact Kyle Weiland  
Address 1327 New Hampshire St.  
City Lawrence State KS ZIP 66044  
Phone (785) 551-8744 Fax ( ) \_\_\_\_\_  
E-mail Kylew1188@gmail.com Cell Phone ( ) \_\_\_\_\_

### APPLICANT/AGENT INFORMATION

Contact \_\_\_\_\_  
Company \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ ZIP \_\_\_\_\_  
Phone ( ) \_\_\_\_\_ Fax ( ) \_\_\_\_\_  
E-mail \_\_\_\_\_ Cell Phone ( ) \_\_\_\_\_

Existing Zoning	Existing Land Use	Proposed Land Use	# of Buildings
Total site area	Existing Building Footprint	Proposed Building Footprint	Open Space Area
Existing Pavement Coverage	Proposed Pavement Coverage		
<b>Are you also submitting any of the following applications?</b>			
• Building Permit	• Site Plan	• Special Use Permit	• Zoning Change
• Variance	• State or Federal Tax Credit Application	Other (specify)	

**Property Address:** 1327 New Hampshire St.

**Detailed Description of Proposed Project:** Construct new 885 sf garage in  
(Attach additional sheets if necessary)

Northwest corner of property. see Attached site plan for more information.

**Reason for Request:** Replacing the old garage structure that was  
(Attach additional sheets if necessary) torn down due to structural failures.

**Architect/Engineer/Contractor Information:** Please provide name and phone number of any persons associated with the project.

Contact Kyle Weiland

Company \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ ZIP \_\_\_\_\_

Phone (\_\_\_\_) \_\_\_\_\_ Fax (\_\_\_\_) \_\_\_\_\_

E-mail \_\_\_\_\_ Cell (\_\_\_\_) \_\_\_\_\_

**REQUIRED ATTACHMENTS:**

- ☐ Photographs of existing structure and site
- ☐ Scaled or dimensioned site plan with a graphic/bar scale
- ☐ Scaled elevation drawings with a graphic/bar scale
- ☐ Scaled or dimensioned floor plans with a graphic/bar scale
- ☐ Materials list
- ☐ Digital copy of application materials

**ADDITIONAL INFORMATION MAY BE REQUIRED BASED ON THE SCOPE OF THE PROJECT**

**SIGNATURE**

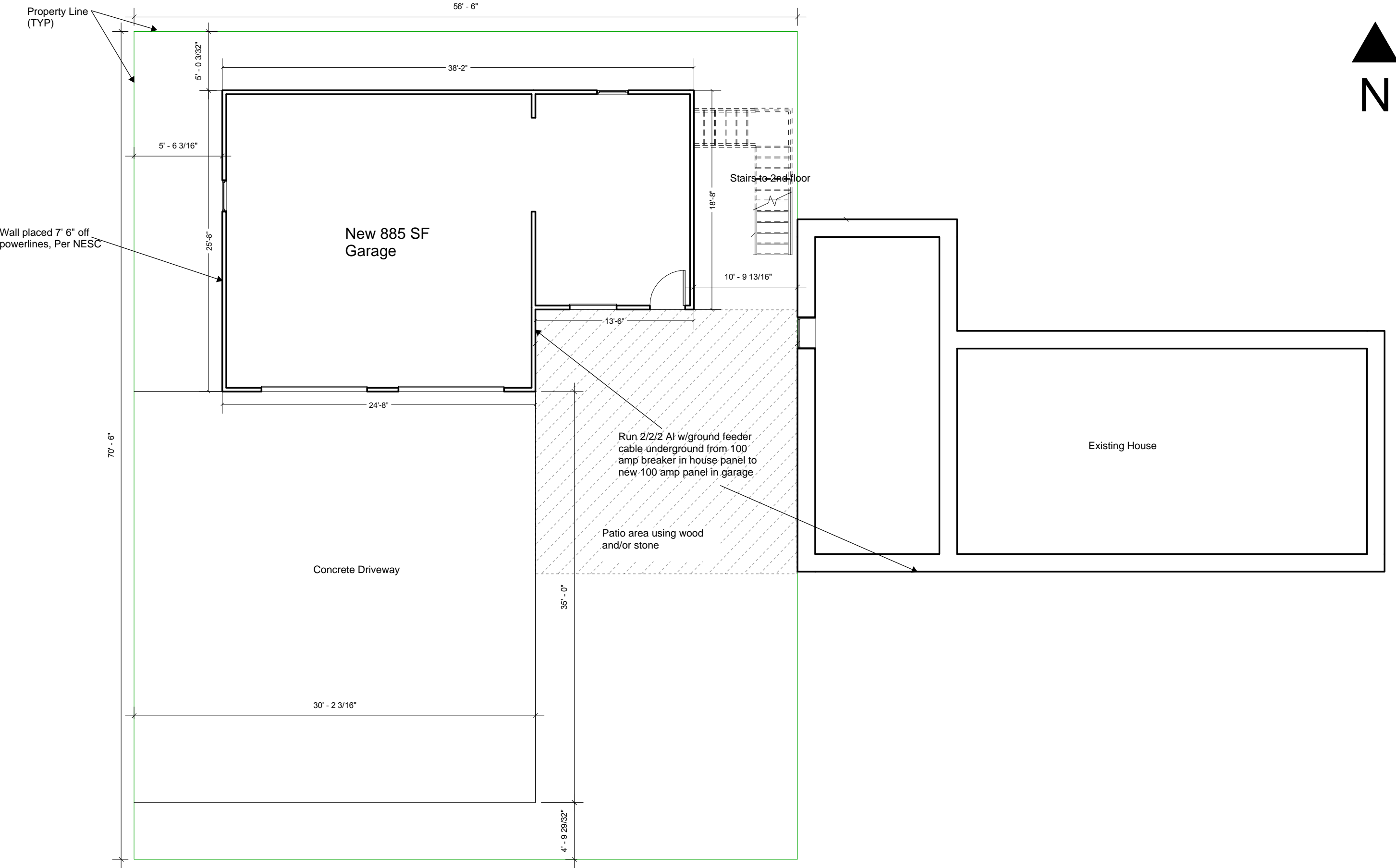
I/We, the undersigned am/are the **(owner(s))**, **(duly authorized agent)**, **(Circle One)** of the aforementioned property. By execution of my/our signature, I/we do hereby officially apply for design review approval as indicated above.

Signature(s): Kyle Weiland Date 10-14-16

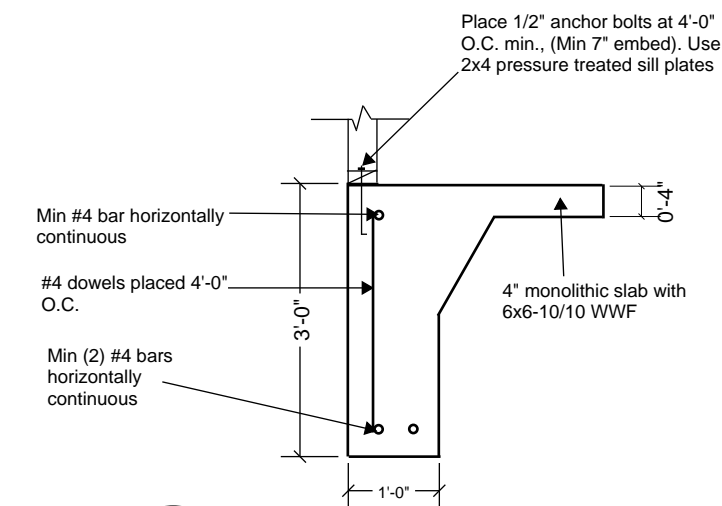
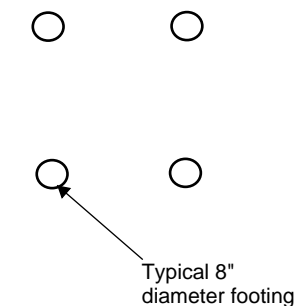
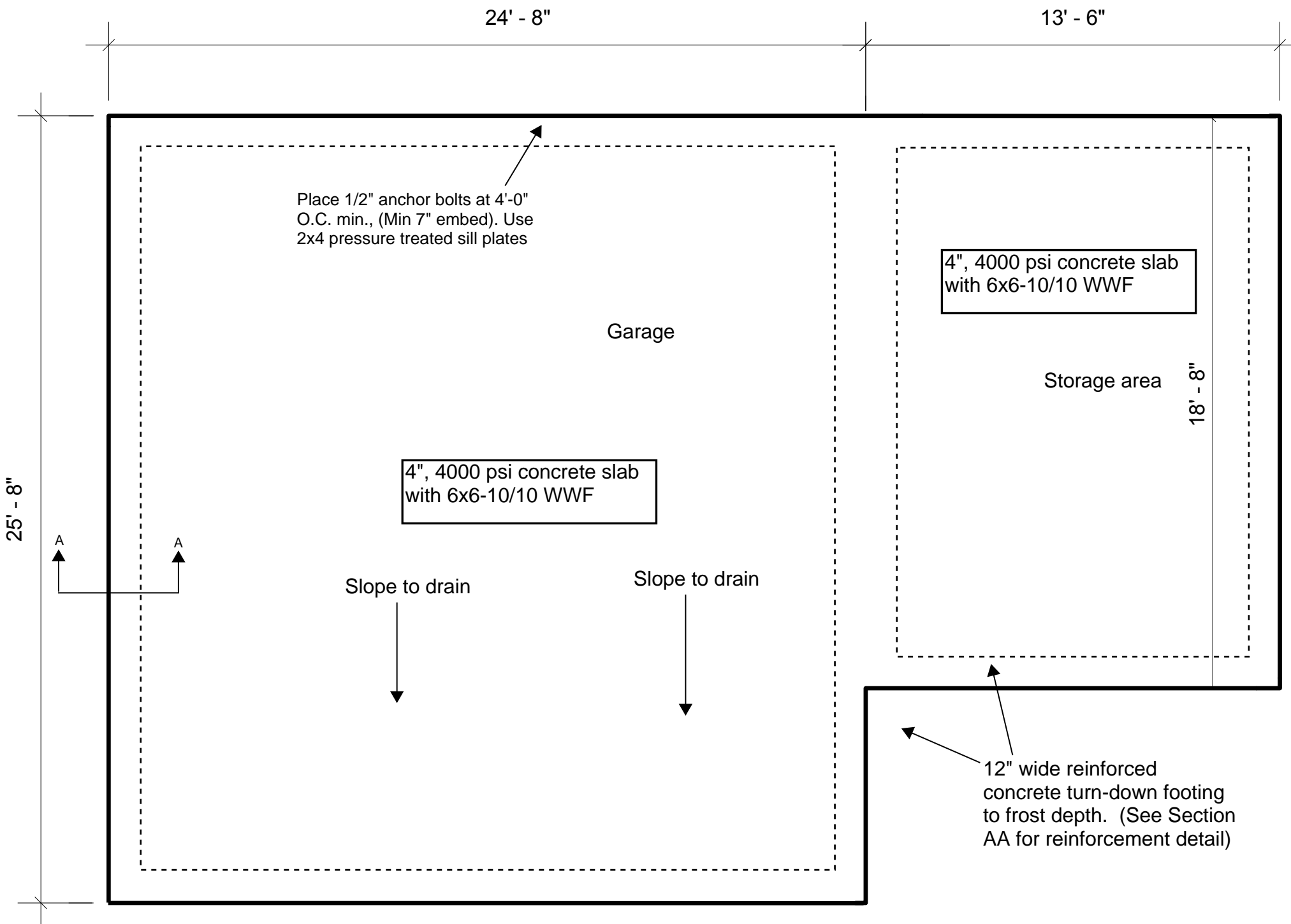
K Weiland Date 10-14-16

\_\_\_\_\_ Date \_\_\_\_\_

**Note: If signing by agent submit Owner Authorization Form**



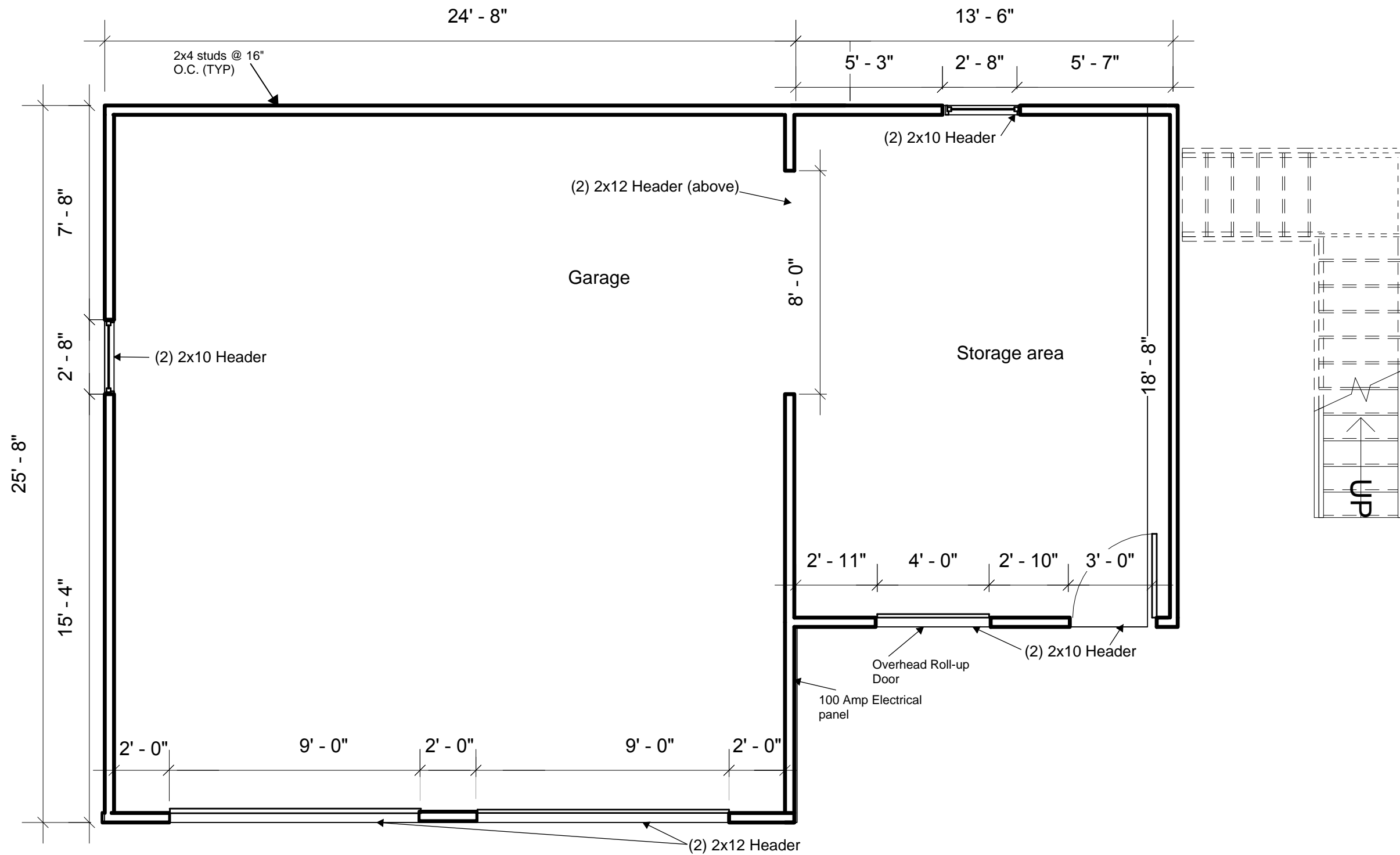
1 Site Plan  
1/8" = 1'-0"



**AA** Section AA

- Notes:
- W = 1'
  - Depth below finished grade = 2.5'
  - Clearance above finish grade = 6"

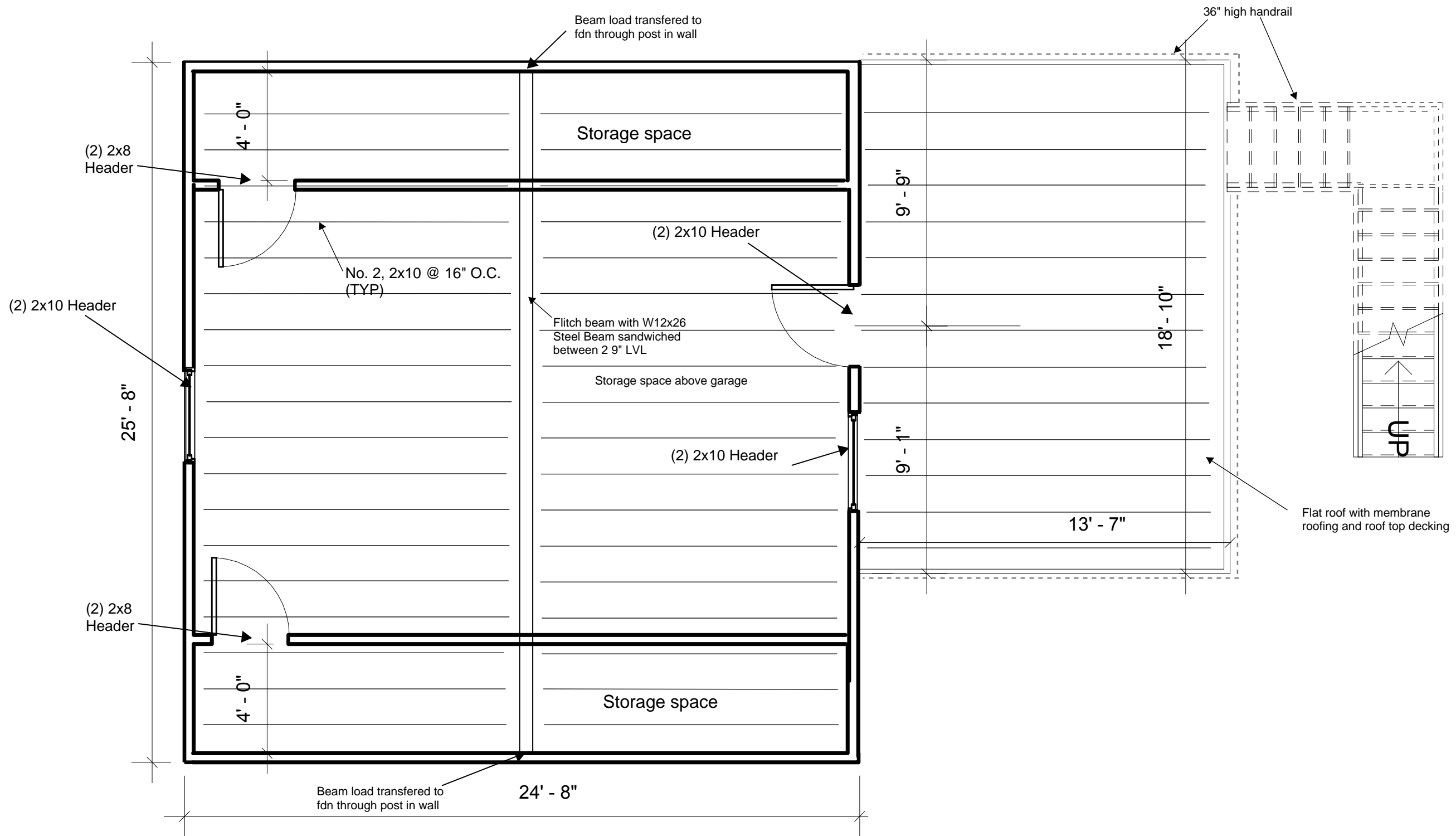
**1** Foundation Plan  
1/8" = 1'-0"



1

1st Floor

1/8" = 1'-0"

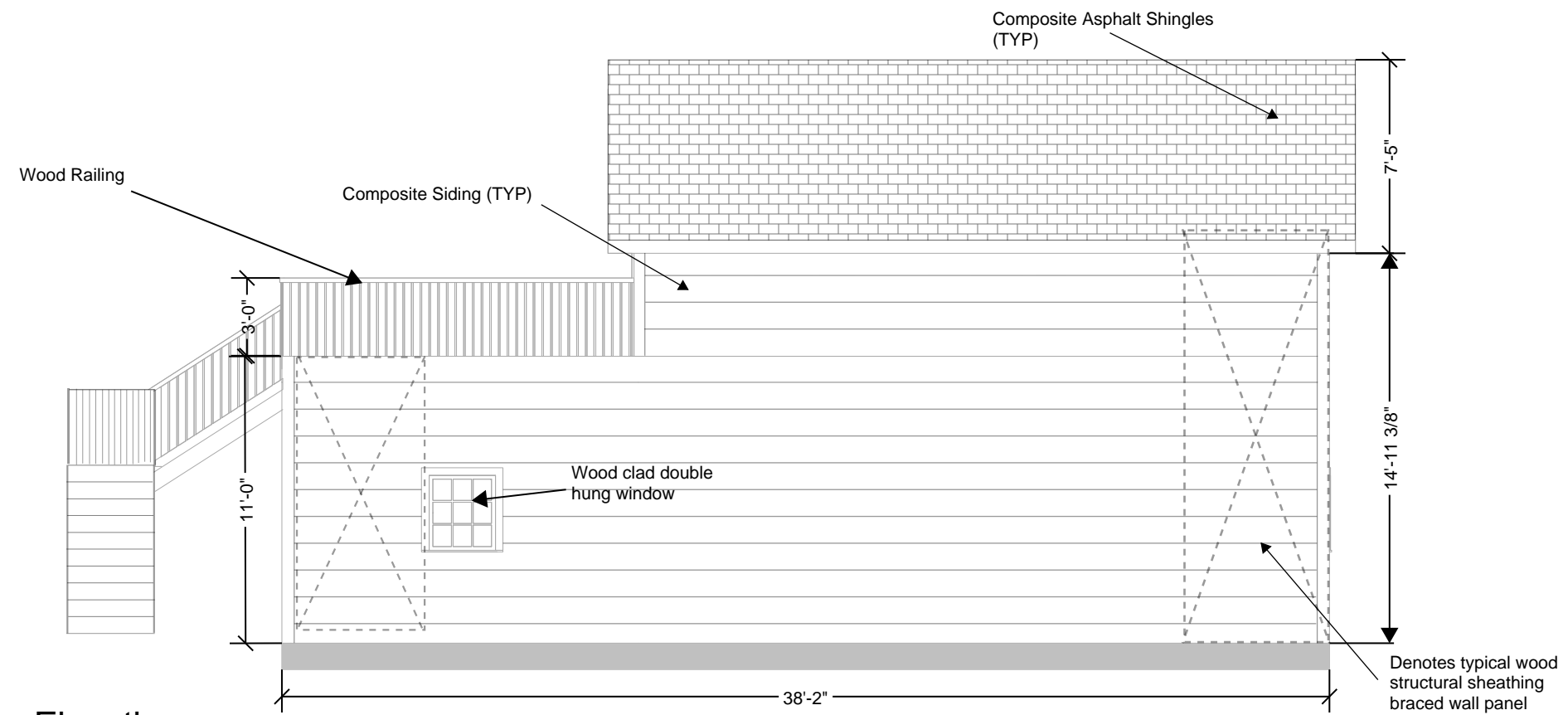


## 1 2nd Floor

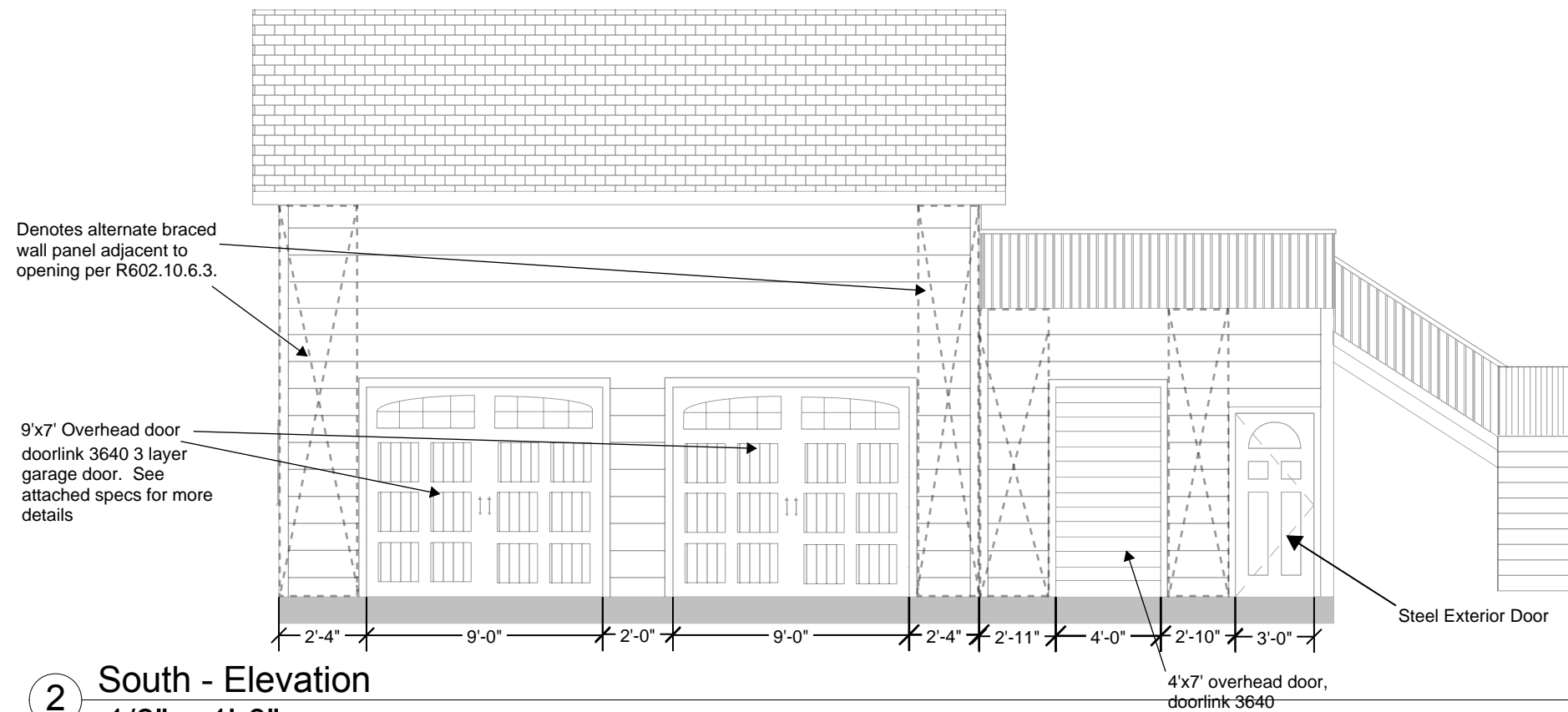
1/8" = 1'-0"

Notes:

- 1) All ceiling joists will be 2x6 @ 16" O.C.
- 2) All rafters will be 2x8 @ 16" O.C.

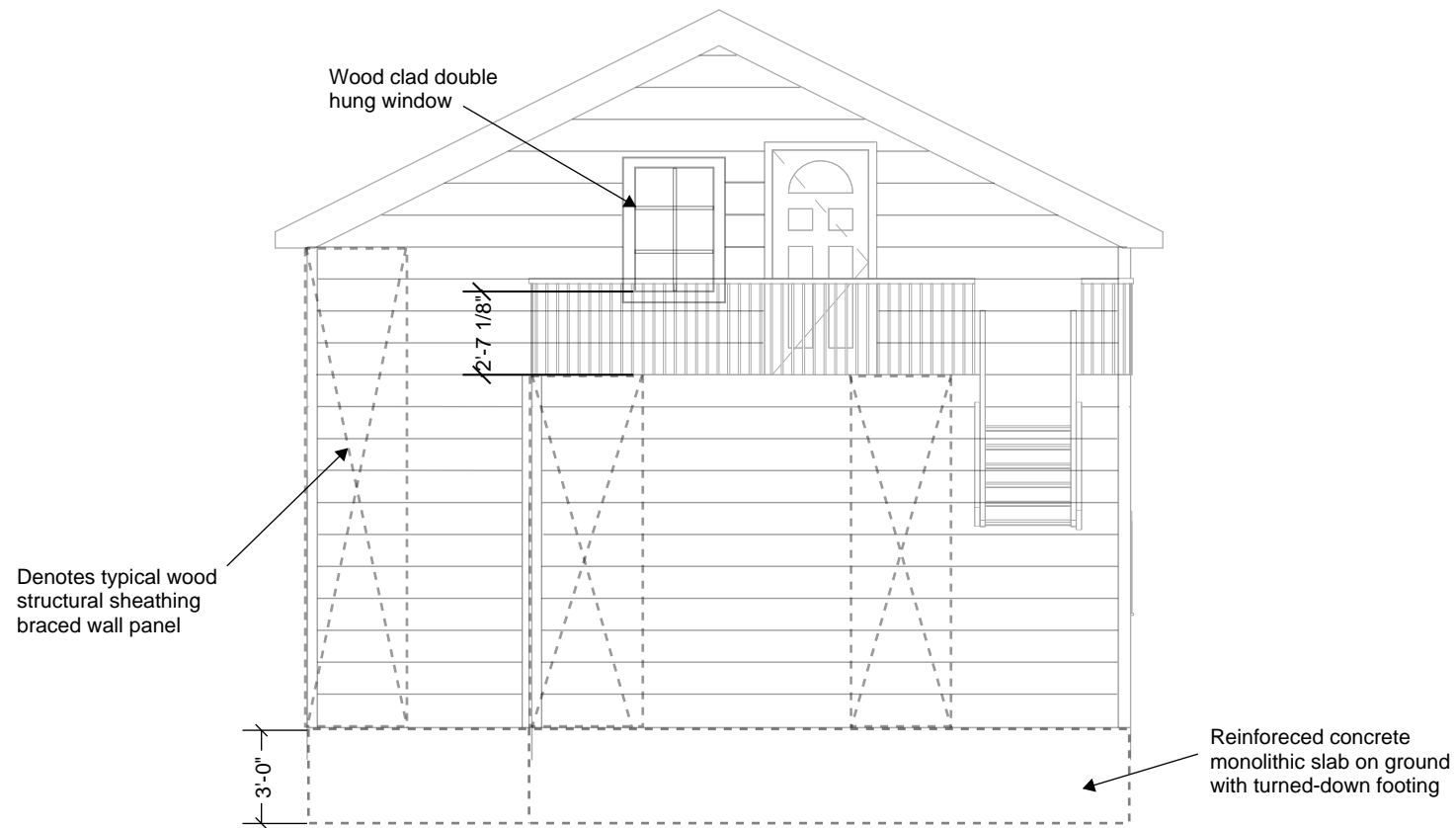


1 North - Elevation  
1/8" = 1'-0"

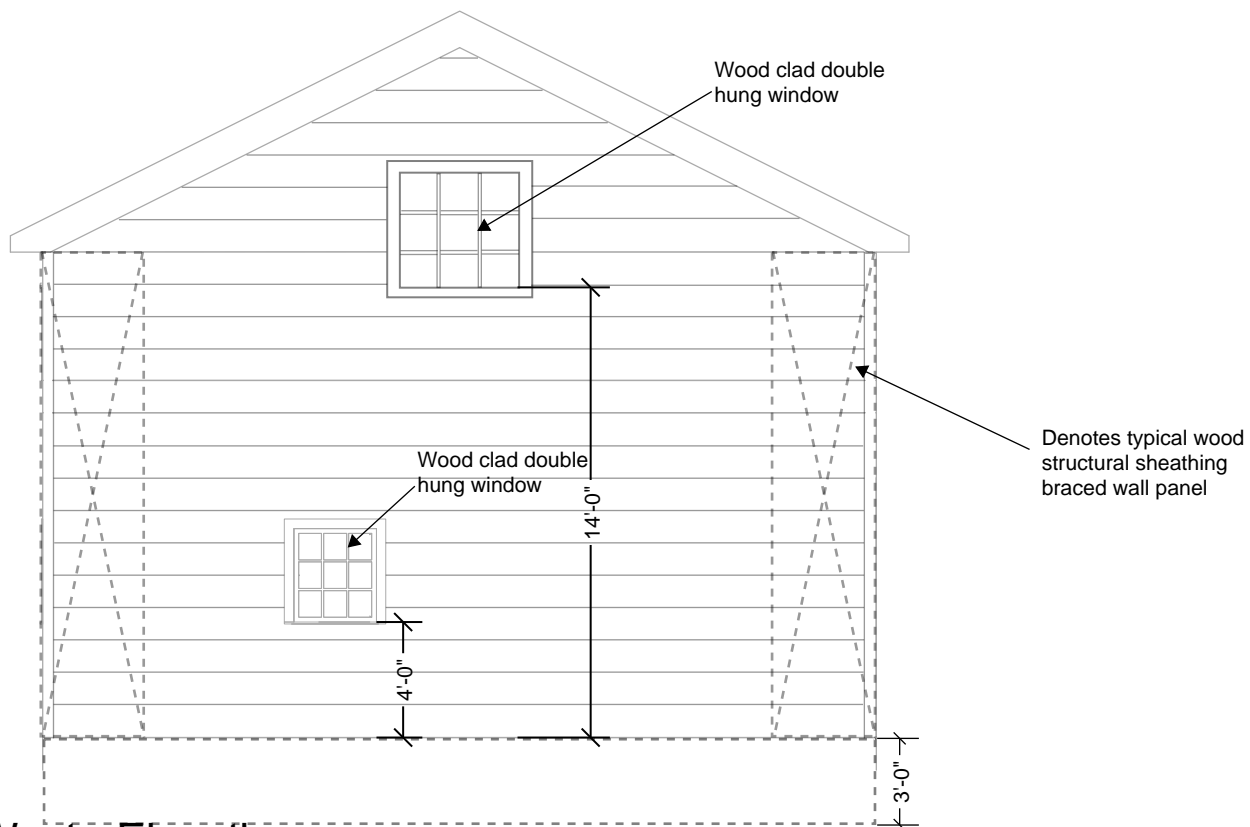


2 South - Elevation  
1/8" = 1'-0"

1 East - Elevation  
1/8" = 1'-0"



2 West - Elevation  
1/8" = 1'-0"



# 3640

**doorLink**  
Manufacturing, Inc.®

**3 LAYER**  
SANDWICH CONSTRUCTION

LONG GROOVED PANEL



## 3640

PAINT

**1.0**  
MIL

EFFICIENCY

**10.25**  
R-VALUE

INTERIOR

**STEEL**  
SKIN



Beautiful wood finishes now available for this model!

2" thick insulated steel sandwich panel constructed of top quality materials. Highly detailed grooved panel, deep pebblegrain texture, and two coat prefinished paint system all combine to enhance the beauty of your home.

Configure your door on our website at

[www.DoorLinkMfg.com](http://www.DoorLinkMfg.com)

# 3640

## 3 LAYER SANDWICH CONSTRUCTION

### LONG GROOVED PANEL

#### STANDARD FEATURES

##### 26 GAUGE METAL

Hot dipped galvanized steel construction provides superior strength and durability.

##### 1.0 MIL PAINT SYSTEM

Includes .25 mil rust inhibiting primer and .75 mil exterior top coat that resists fading and chalking while providing consistent color from panel to panel, and long life.

##### 20 GAUGE HOT DIPPED STEEL HINGE PLATES

Galvanized steel hinge plates run the full height of each section at all hinge locations to facilitate the attachment of hinges, handles, struts and step plates.

##### TONGUE AND GROOVE MEETING RAILS

For superior strength and better sealing against wind, rain and snow.

##### RIGID ALUMINUM RETAINER

Provides added strength while securing replaceable u-shaped bottom weatherstrip to help keep the elements out.

##### R VALUE 10.25 INSULATION

Sandwich type construction with polystyrene insulation pressure bonded between two sheets of 26 gauge hot dipped galvanized steel enhances your home's energy savings, makes your door operation quieter, and reduces exterior noise in your garage.

##### CFC FREE EXPANDED POLYSTYRENE

Environmentally friendly insulation that will not degrade with vibration or time.



Directional wood grain pattern gives the appearance of traditional wood doors.

#### COLORS



OAK



WALNUT



WHITE



SANDSTONE



ALMOND



BROWN



DESERT TAN



BLACK

BROCHURE COLOR MAY VARY FROM ACTUAL PRODUCT.

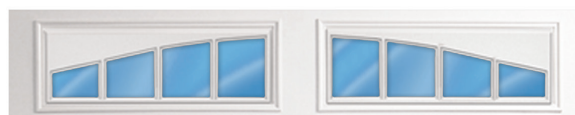
#### AVAILABLE WINDOWS

#388  
SOMERTON



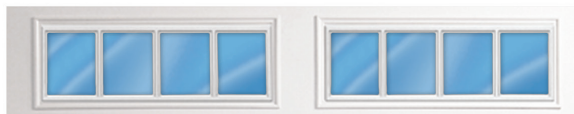
#287  
STOCKTON ARCH

#387  
STOCKTON



#588  
WYNDBRIDGE

#587  
STOCKBRIDGE

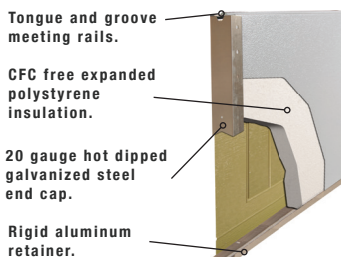


NOT ALL GLAZING OPTIONS MAY BE AVAILABLE FROM ALL DISTRIBUTORS.  
NO GLAZING ON 18" SECTIONS.

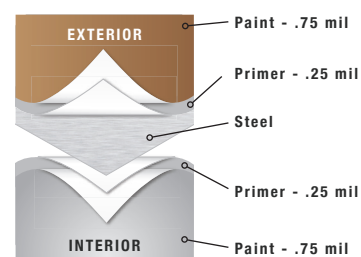
#### SIZES AVAILABLE

DOOR WIDTH	PANELS WIDE	HEIGHTS AVAILABLE: 6'6" 6'9" 7'0" 7'6" 7'9" 8'0"					
8', 9', 10'	<input type="checkbox"/>	<input type="checkbox"/>					
12', 14'	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
15', 16', 17', 18'	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
20', 22'	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
24'	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

#### CONSTRUCTION



#### PAINT LAYERS

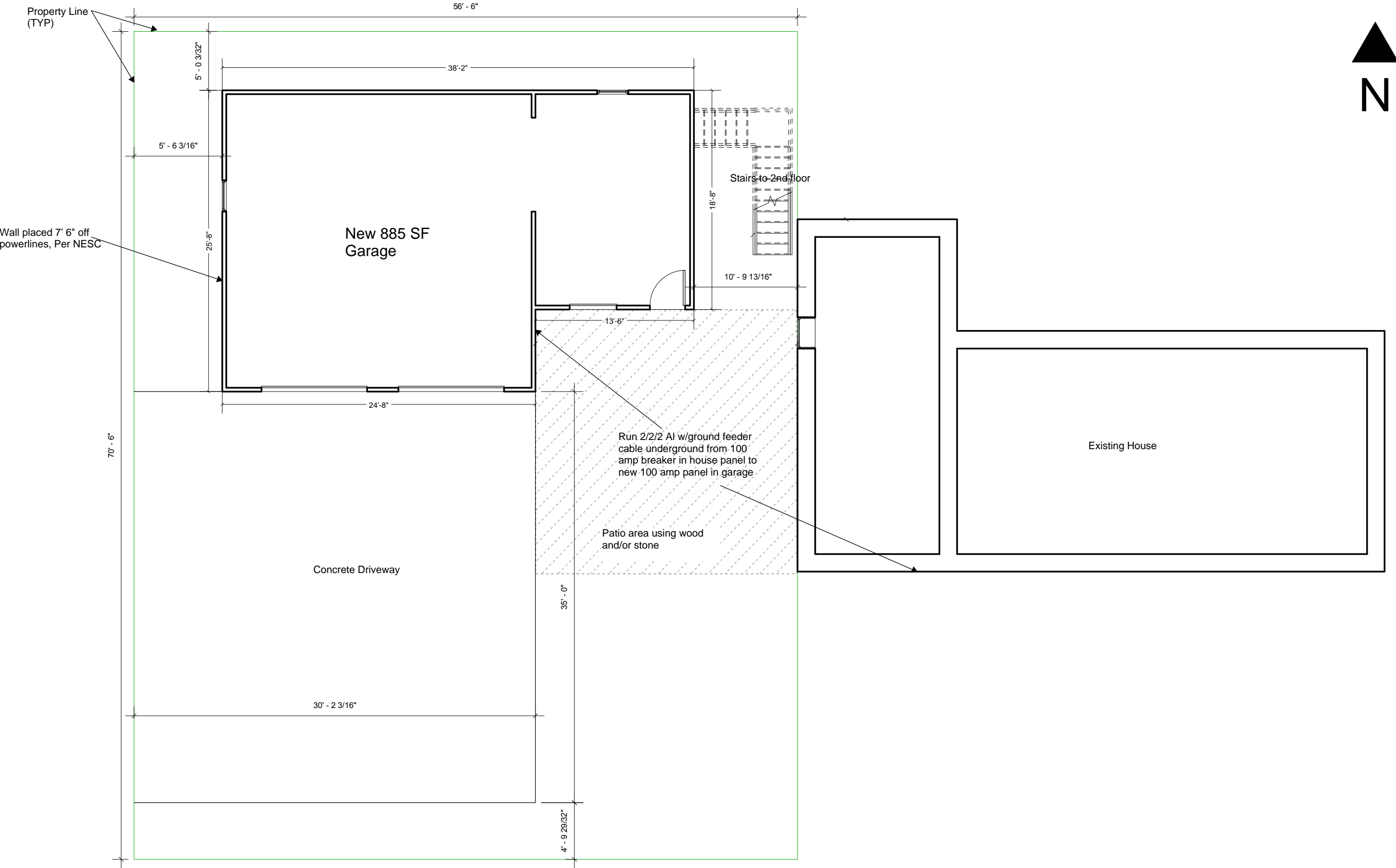


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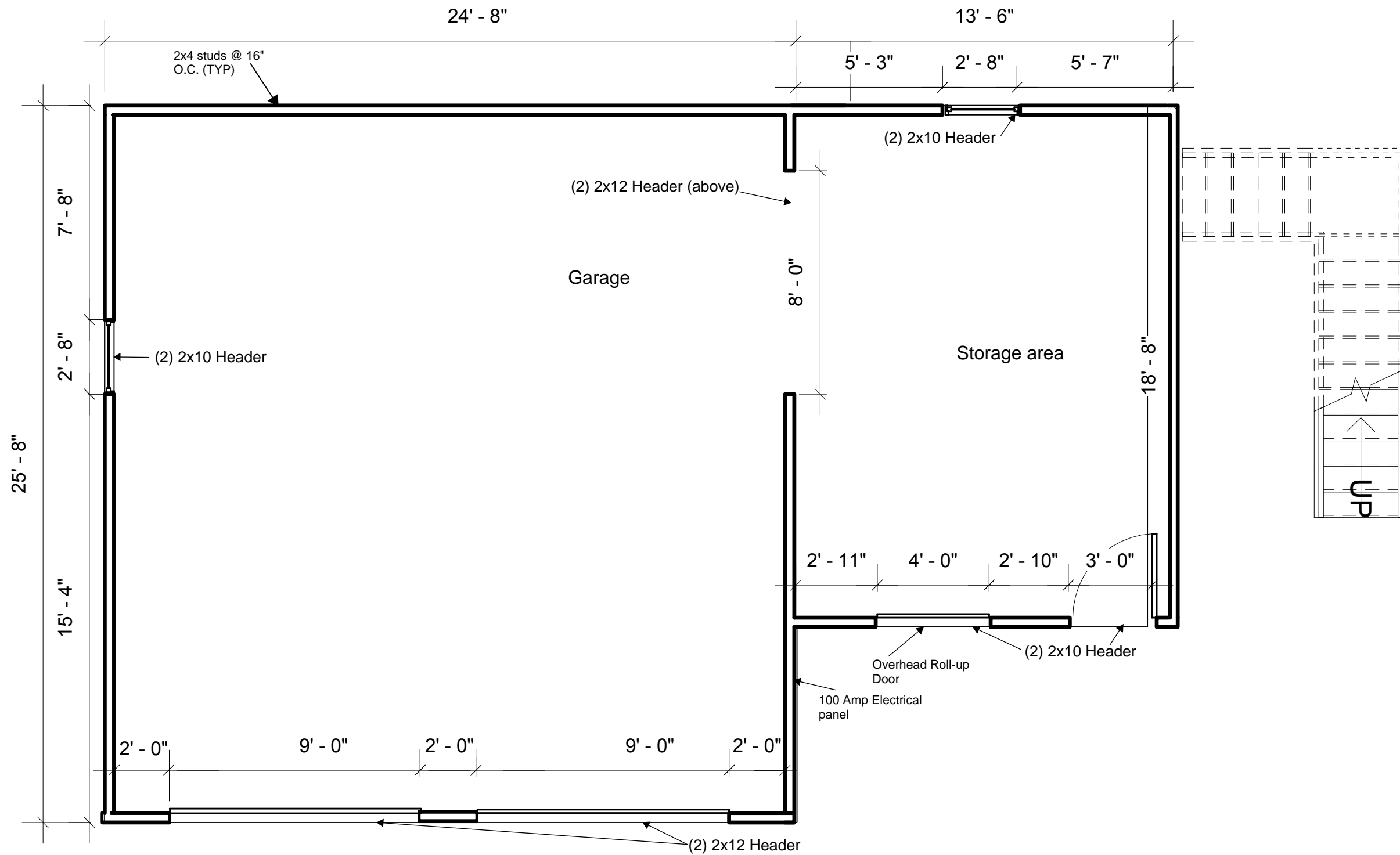
To view this  
product  
online:





1 Site Plan  
1/8" = 1'-0"

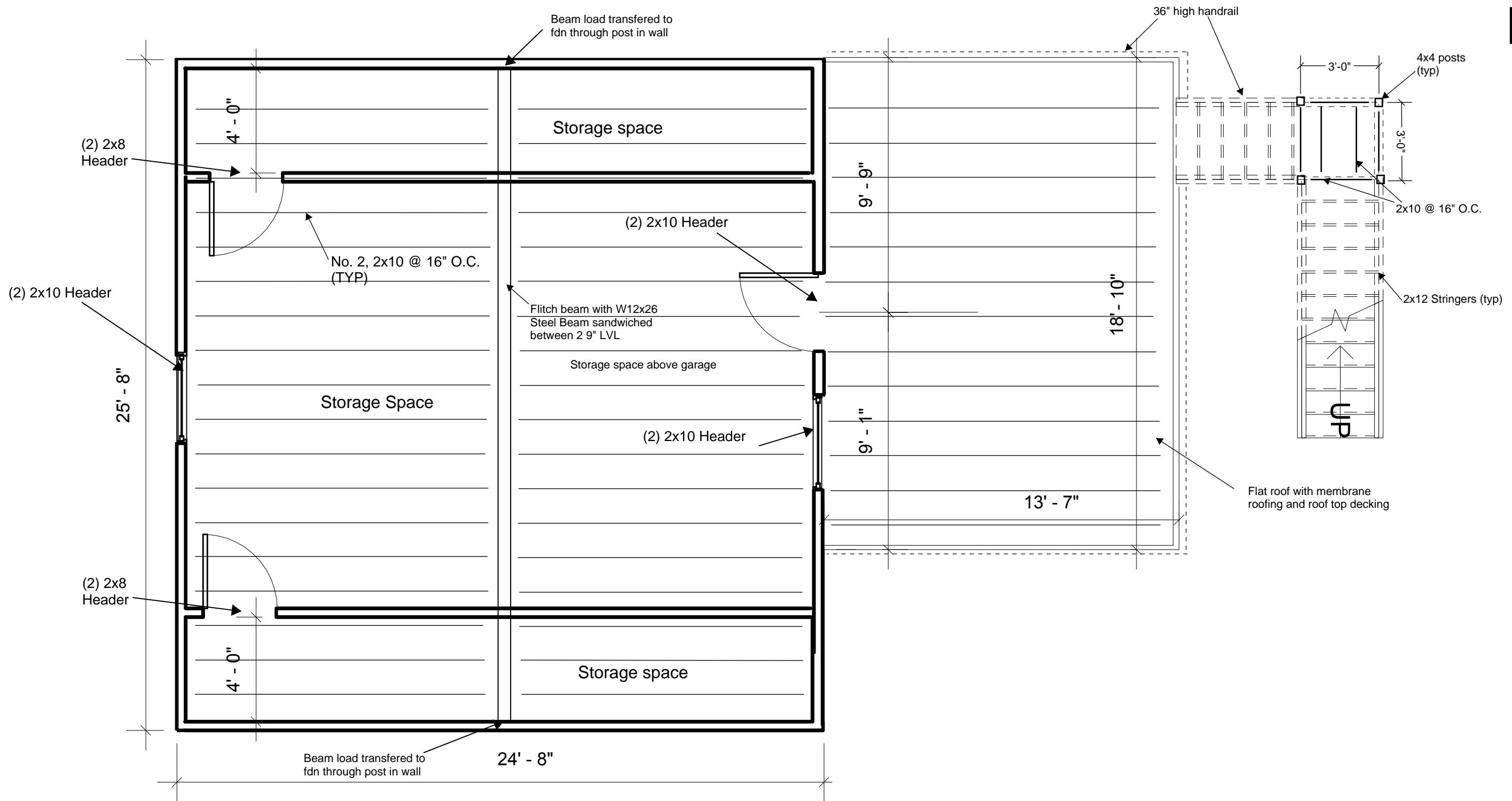




3

1st Floor

1/8" = 1'-0"



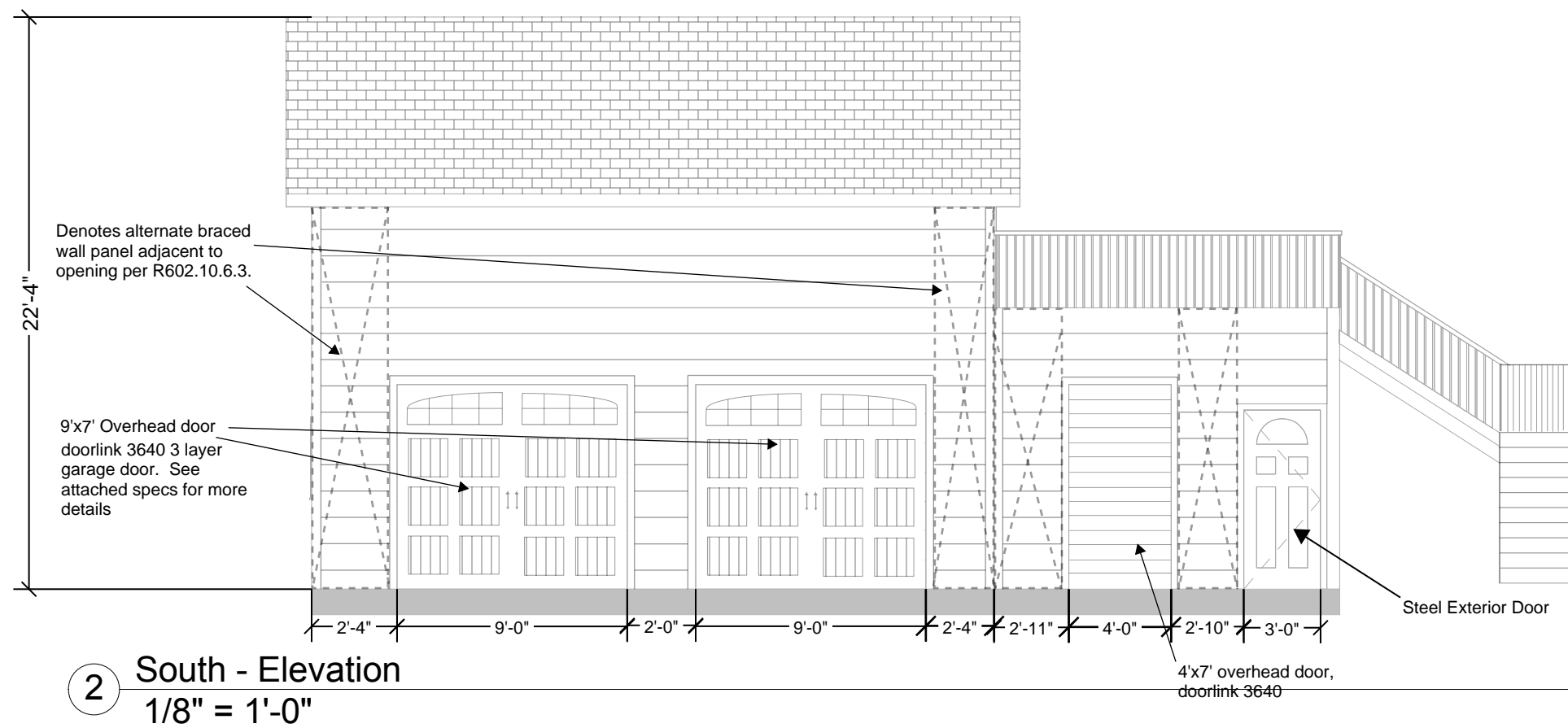
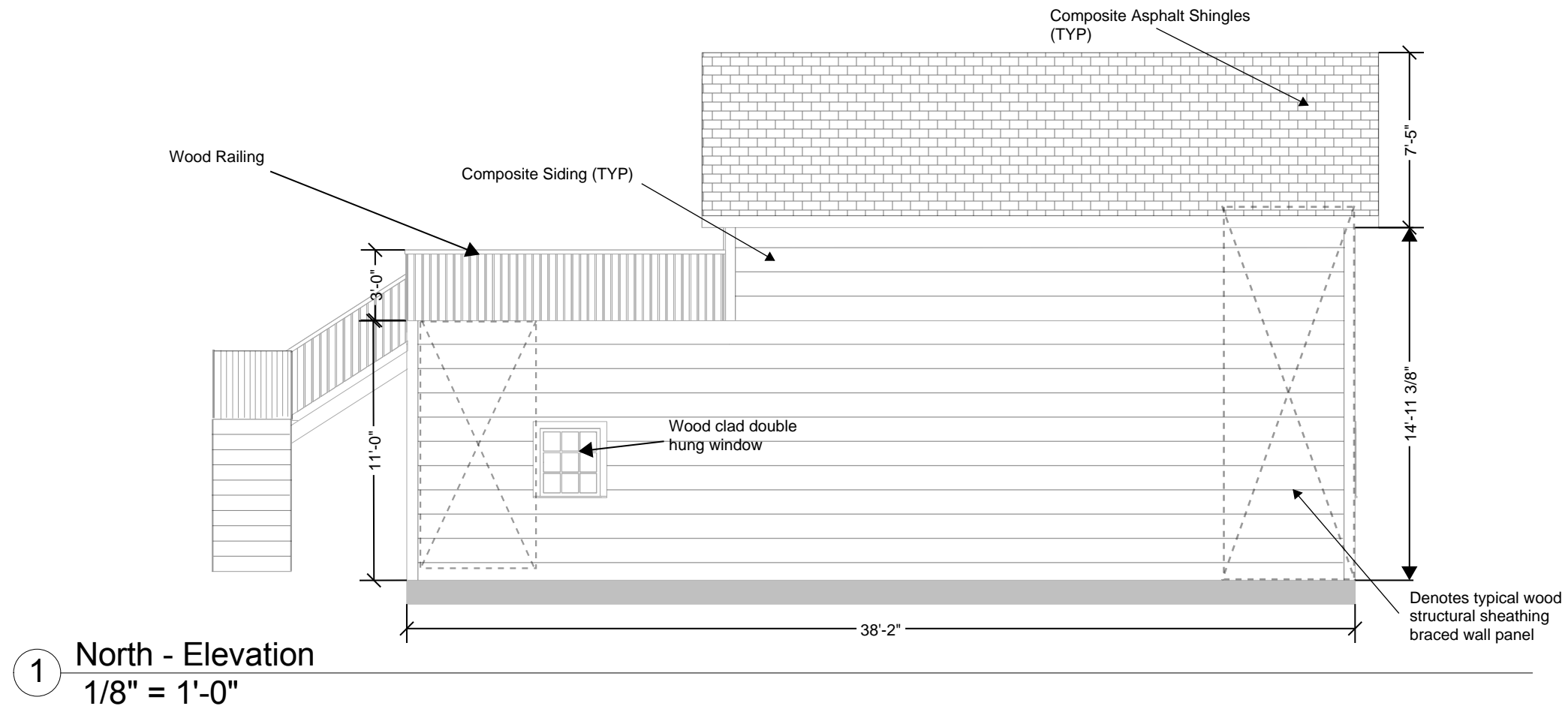
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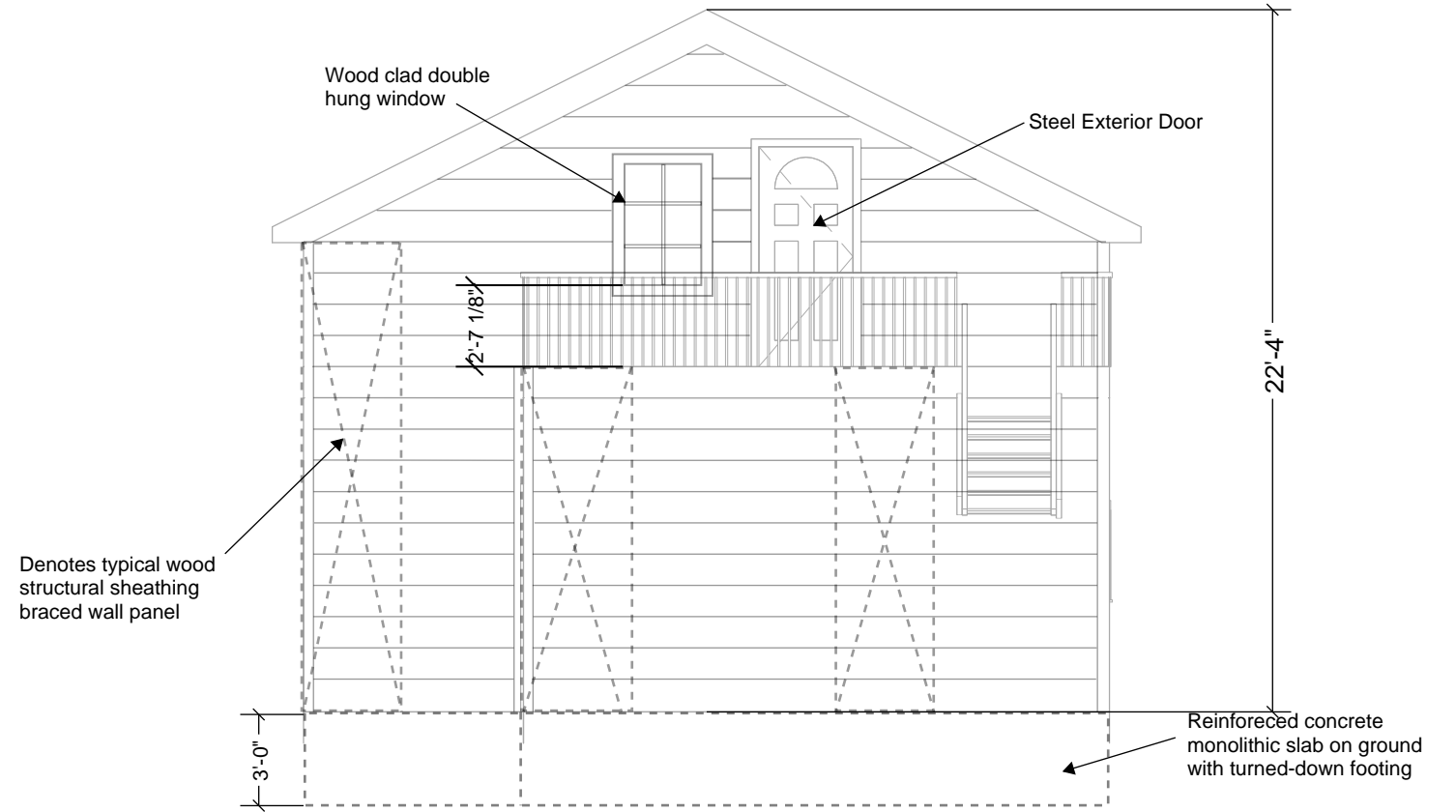
## 2nd Floor

1/8" = 1'-0"

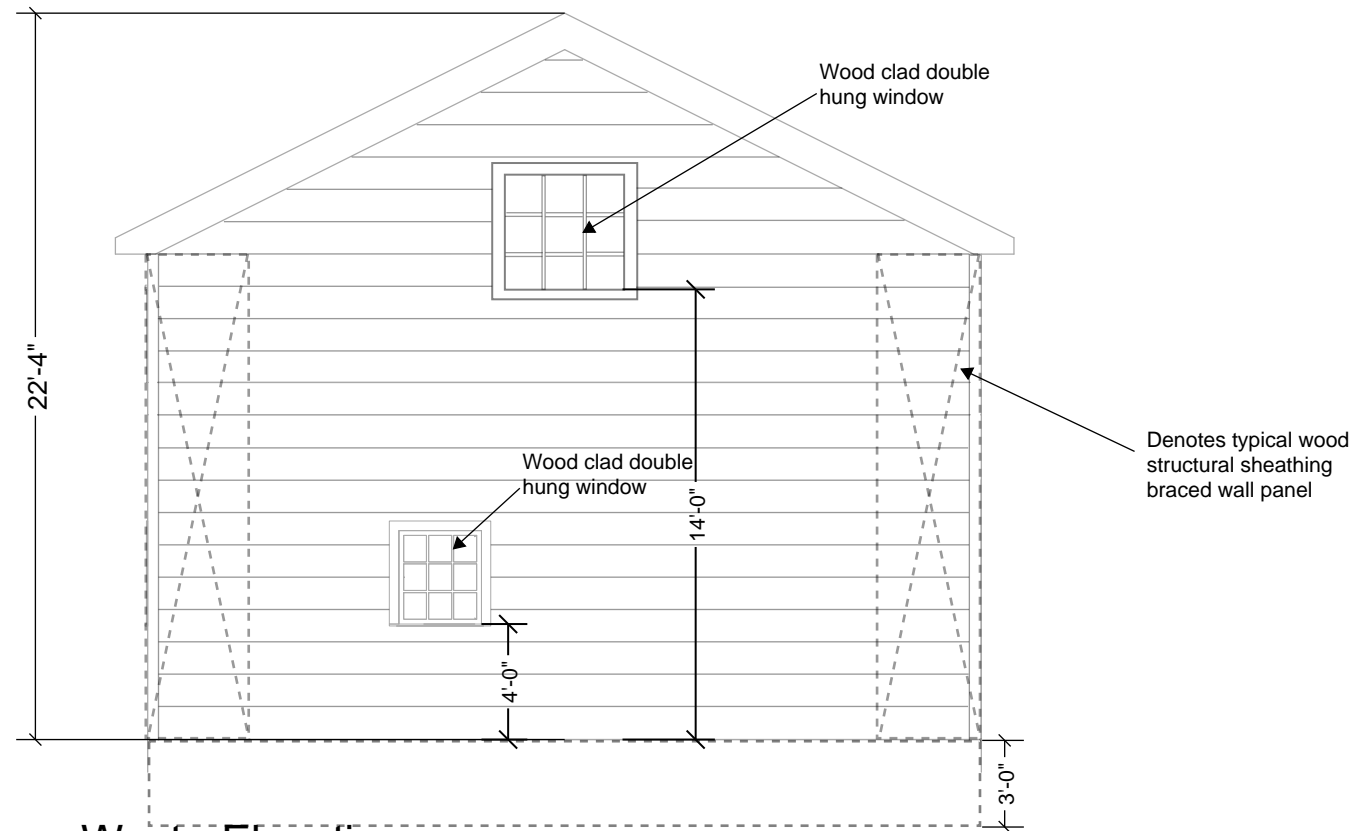
Notes:

- 1) All ceiling joists will be 2x6 @ 16" O.C.
- 2) All rafters will be 2x8 @ 16" O.C.





1 East - Elevation  
1/8" = 1'-0"



2 West - Elevation  
1/8" = 1'-0"

# 3640

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**3 LAYER**  
SANDWICH CONSTRUCTION

LONG GROOVED PANEL



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Beautiful wood finishes now available for this model!

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[www.DoorLinkMfg.com](http://www.DoorLinkMfg.com)

# 3640

## 3 LAYER SANDWICH CONSTRUCTION

### LONG GROOVED PANEL

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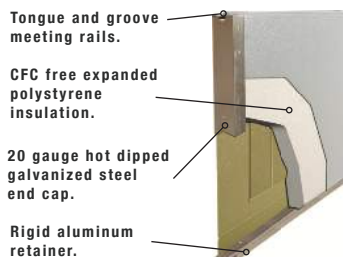


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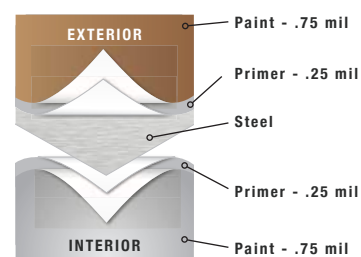
#### SIZES AVAILABLE

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20', 22'	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
24'	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

#### CONSTRUCTION



#### PAINT LAYERS



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**LAWRENCE HISTORIC RESOURCES**  
**ITEM NO. 7: DR-16-00444**  
**STAFF REPORT**

---

**A. SUMMARY**

**DR-16-00444** 804 Pennsylvania Street; Commercial Dining Canopy; State Law Review and Design Guidelines 8<sup>th</sup> and Penn Neighborhood Redevelopment Zone Review. The structure is a contributing structure to the East Lawrence Industrial Historic District and is located in the 8<sup>th</sup> & Pennsylvania Urban Conservation Overlay District. Submitted by Ohio Mortgage Investors, LLC, property owner of record.

**B. PROJECT DESCRIPTION**

The applicant is requesting to build a covered structure to add outdoor space to accommodate the use of the historic structure located at 804-806 Pennsylvania Street. The proposed structure will be placed approximately 1' to the west of the historic structure and centered on the west elevation of the historic structure leaving 1' 6" on either side of the west wall. The proposed structure will cover an outdoor area of approximately 800 square feet. (Location and size information is based on elevation drawings as a site plan has not been submitted for the project.)



The metal frame structure will be approximately 38' from east to west and will be 21' from north to south. There will be no side or rear walls and only the north elevation will have any type of structure to enclose the area. The north elevation will have three multi sectioned garage doors with a sectioned opening above that corresponds to the garage door sizes below. The shed roof will slope to the south and will be covered with polycarbonate sheets of an unidentified color or type.

## **C. STANDARD FOR REVIEW**

### Secretary of the Interior's Standards (State Preservation Law Review)

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
2. The historic character of a property shall be retained and preserved. The removal of historic materials or alterations of features and spaces that characterize a property shall be avoided.
3. Each property shall be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
5. Distinctive features, finishes and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.
6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical or pictorial evidence.
7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale and architectural features to protect the historic integrity of the property and its environment.
10. New additions and adjacent or related new construction shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

### **8<sup>th</sup> and Pennsylvania Urban Conservation Overlay District Guidelines**

The City Commission and the Historic Resources Commission have adopted a set of *Design Guidelines 8<sup>th</sup> and Penn Neighborhood Redevelopment Zone* to review projects within the 8<sup>th</sup> and Pennsylvania Urban Conservation Overlay District. The guidelines that relate to this project are:

## **PRINCIPLES, STANDARDS, AND CRITERIA**

### **SIDEWALK DINING AREAS**

Creation of sidewalk dining areas shall be in accordance with the City of Lawrence "Guidelines for Sidewalk Dining Areas" as revised and approved in 2005. Placement of sidewalk dining areas shall be such that they do not restrict egress to and from building or public right-of-way.

### **ZONE 1**

#### **Roof Systems**

1. Examining and determining the composition of the existing roof and any evidence of the earlier roof. Consulting with an architect, engineer, or roofing professional to understand the scope and detailing of the roof project and ensuring proper supervision of roofers and/or maintenance personnel.
2. Retaining the shape, materials, and colors of the original roof that are visible from the public right-of-way. Maintaining architectural details such as cresting, parapets, and cornices.
3. Replacing roof materials with similar materials that reflect the scale and texture of the traditional roof materials when they are visible from the public right-of-way.
4. Designing and constructing a new roof feature using visual documentation when a historic feature is completely missing. Using a new design for a missing historic feature that is compatible with the size, scale, material, and color of the building.
5. Installing mechanical and service equipment such as air conditioning, transformers, or solar collectors on the roof so that they are inconspicuous from the public right-of-way and do not damage or obscure important building features.
6. Patching roof leaks with materials similar to those of the roof construction.
7. Retaining the original roofline and parapet features.
8. Resurfacing of flat/built-up roofing materials.

#### **Concrete**

1. Undertaking repairs only after the completion of planning and analysis by a structural engineer or architect.
2. Filling in cracks with new materials that matches the historic materials. Using patching materials that are compatible with the existing concrete as well as with subsequent surface treatments such as paint or stucco.
3. If replacement is necessary, removing loose, deteriorated concrete and cutting damaged concrete back to the source of deterioration. Removing rust from exposed rebar with a wire brush or sandblasting and coating with an epoxy. Installing a compatible patch that dovetails into the existing sound concrete so that it will bond satisfactorily with and match the original concrete.

### **Brick and Stone Masonry**

1. Retaining and preserving masonry features that are important in defining the overall character of a building such as walks, brackets, cornices, window surrounds, door surrounds, steps, columns and details.
2. Providing proper drainage so that water does not stand or accumulate on masonry surfaces.
3. Cleaning masonry only when necessary to halt deterioration or to remove graffiti or bad stains with the gentlest method possible, such as using low-pressure water (<400 psi), mild detergents, and natural bristle brushes. Conducting masonry surface cleaning tests when cleaning is necessary. Observing tests over a sufficient period of time so that both immediate and long-term effects are known, enabling selection of the gentlest method possible.
4. Repairing cracks or missing bricks to prevent water infiltration and further damage. Removing only deteriorated portions of brick in such a way as to avoid destroying adjacent masonry.
5. Applying new mortar with the same strength, color, and texture as the original mortar. Testing the original mortar to determine its original composition.
6. Applying new mortar so that the joints match the original joints in width and profile.
7. Applying surface treatments such as "breathable" water-repellent coatings to masonry only after re-pointing and only if masonry repairs have failed to arrest water penetration problems
8. Repairing masonry by patching or piecing in.
9. Replacing the original material with the same material or a compatible substitute material.
10. Leaving historic painted signage on masonry walls.
11. Cleaning masonry walls using the gentlest means possible.
12. Pressure cleaning historic brick or stone with water or water and a non-ionic detergent at a range of 100 to 400 psi from a distance of 3 to 12 inches after testing to find the least abrasive level.
13. Hand cleaning glazed architectural terra-cotta and tile coping with a natural bristle brush using non-ionic detergent and water.
14. Removing loose or deteriorated paint only to the next sound layer using the gentlest method possible prior to repainting.
15. Repairing causes of leaks, water infiltration, capillary action, and/or condensation
16. Using vapor permeable water-repellent coatings in selected areas only after a reasonable period of time has passed since a building has been made watertight and has dried out completely and only if moisture appears actually to be penetrating through the repointed and repaired masonry walls.
17. Cleaning masonry, when necessary to prevent biological growth, with low-pressure water (30 to 100 psi) and a natural- or synthetic-bristled scrub brush.
18. Removing graffiti as soon as possible by using non-abrasive chemical cleaners after careful testing.
19. Designing and installing a new masonry feature such as steps or a door surround using accurate documentation of the appearance of the original feature. When there is no documentation of the original element, new designs should be compatible with the building in size, scale, material, and color.

### **Wood Materials**

1. When damaged beyond repair, replacing all wood elements in-kind.
2. Removing vegetation that grows too close to wood surfaces.
3. Keeping wood joinery adequately sealed, primed, and painted to avoid water penetration.
4. Priming all exposed wood surfaces before painting.
5. Providing proper drainage and ventilation to minimize rot.
6. Maintaining a slope on horizontal wood surfaces, such as entrance floors or sills, to ensure that water does not collect.
7. Recaulking joints where moisture might penetrate. Removing old caulk and dirt prior to recaulking.

### **Architectural Metal Features**

1. Retaining and preserving architectural metal features that are important in defining the architectural character of a building.
2. Providing proper drainage so that water does not accumulate on surfaces.
3. Cleaning architectural metals to remove corrosion prior to repainting or applying other appropriate protective coatings. Identifying the type of metal prior to cleaning. Cleaning metals using the gentlest method possible as determined by research and/or testing. Applying an appropriate protective coating when necessary.
4. Repairing metal features by patching, splicing, or otherwise reinforcing the metal. When damaged beyond repair, replacing the damaged portions with materials that match the original in size, scale, material, and color.
5. Reproducing in-kind a missing feature or when there is no documentation of the original feature, replacing the missing feature with a new design that is compatible with the size, scale, material, and color of the building.

### **Windows**

Conducting an in-depth survey of the conditions of existing windows early in the rehabilitation planning process so that repair and upgrading methods and possible replacement options can be fully explored.

1. Retaining and repairing the original windows and their character-defining elements whenever possible. Repair may include incremental replacement of individual elements such as sills or sashes by patching, splicing, consolidating, or reinforcing with in-kind or compatible substitute materials.
2. Using low profile boxed skylights installed between rafters when not visible from the public-right-of-way.
3. Accomplishing thermal upgrade by using exterior or interior storm windows that have minimal visual intrusiveness.
4. When damage can be avoided, modifying existing historic windows to allow reglazing with insulated glass.
5. Making windows weather tight by caulking and replacing or installing weather stripping.
6. When original window openings are altered, restoring them to their original configuration and detail.
7. When damaged beyond repair, replacing the original windows with windows that match

- the originals in profile, size, color, configuration, materials, and glazing.
8. Using replacement glazing that is consistent in color and reflectivity with the glazing originally used at the building.
  9. Using true divided lights.
  10. Using replacement windows that capture the visual effect of how the original window operated.
  11. Basing the replacement of non-historic or missing windows on photographic documentation, extant units in the building, or ensuring that they are consistent with the historic character of the building.
  12. Providing a setback in the design of dropped ceilings when they are required for a new use to allow for the full height of the window openings.
  13. Limiting the installation of additional windows to secondary, non-character-defining elevations to occur only when required by the new use to allow natural light and air or when other important adaptations are necessary for the building's new use.
  14. When required by a new use, creating new window openings and using new window units that are simple and visually subservient to the original openings and units, and that are visually distinguishable from the original window openings and units.
  15. When adding new window openings and unit, using a simpler, slightly different glazing configuration.

#### **Entrance Doors**

1. Retaining and repairing original doors. Maintaining original door hardware in good working order.
2. Preserving and retaining the original proportions of the door and the door opening.
3. Replicating the original door if it is damaged beyond repair and there is physical, pictorial, or photographic documentation as to its original appearance. If there is no documentation of the door's original appearance, replace it with a new unit that is compatible with the style and character of the historic building.

#### **Garage and Loading Dock Doors**

1. Replicating an original door if it is damaged beyond repair or is missing and there is physical, pictorial, or photographic documentation as to its original appearance; or, if required for the new use, installing a new glazing system that resembles the segmented panels of the historic doors.
2. Retaining and repairing the building's original door(s) and /or door opening(s).
3. Retaining corner guards and bumper guards. Modifications such as replacing some of the upper wood panels with glass in order to provide natural light.
4. If there is no documentation of the door's original appearance, replacing the door with a new unit that is compatible with the style and character of the historic building.
5. Installing new glazing patterns that replicate the typical historic arrangement of intersecting stiles and rails found on the industrial garage and loading dock doors. This approach also clearly differentiates fenestration patterns for windows and doors.

#### **Rear and Secondary Elevations**

1. Determining if secondary elevations retain defining architectural and functional characteristics that visually communicate the building's historic building type.

2. Making minimal changes to the secondary elevation features that define the building's original architectural and/or functional property type.
3. Maintaining consistent patterns and using consistent materials between the ground floor and the upper floors, and incorporating a simple definition at the roofline.
4. Restoring existing openings that have been previously filled in or blocked.
5. Maintaining a clear separation between the loading areas and the pedestrian access areas for the sake of appearance and safety.
6. Utilizing masonry materials with a simple texture, minimal ornamentation, and informal door and window placement.
7. Designing and locating security gates, grills, and alarm boxes out of sight or in such a way that during non-business hours the building and surrounding area maintain their appearance as a safe and attractive pedestrian environment.
8. Locating and screening air conditioner equipment so that signage, sound, and exhaust air are not intrusive to newly defined public spaces.
9. Minimizing the intrusion of trash receptacles, utility lines, meter boxes, downspouts, and other functional hardware.

#### **Exterior Features and Open Space**

1. Identifying, retaining, and preserving building and landscape features that are important in defining the historic character of the site and setting.
2. Retaining the historic relationship between buildings and landscape features such as alleys, open space, work areas, pathways, driveways, and so forth.
3. Creating subtle visual distinctions through the use of different hard surface materials between the historic spaces/materials and new space uses such as parking areas.
4. Designing new parking areas that are as unobtrusive as possible to minimize the effect of the historic spatial arrangement and character of the setting. Constructing shared parking in traditionally open spaces
5. Removing non-significant buildings, structures, additions, or landscape features that detract from the historic setting.
6. Retaining historic secondary ancillary buildings and structures such as garages and outbuildings. Retaining and preserving all character-defining features of outbuildings, including foundations, steps, roof forms, windows, doors, architectural trim, and materials. If replacement of an element is necessary, replace only the deteriorated item with one that matches the original in size, scale, proportion, material, texture, and detail.
7. Using new construction that is compatible with the historic character of the setting in terms of size, scale, design, material, color, and texture.
8. Revealing landscape features such as alleys and pathways that have been covered by paving or other materials over time.
9. Using screening devices for trash receptacles and storage units that visually blend into the rear façades.
10. Painting, or screening, mechanical units and service equipment to blend with the overall exterior color of the building, in accordance with City standards. Placing such equipment near secondary elevations out of view from the public right-of-way.
11. Screening dumpster units on all four sides with material that blends in with the main commercial building wall adjacent to the location of the dumpster. The height of the

screening device should match that of the dumpster and the access door. Clustering dumpsters adjacent to alleys.

12. Utilizing satellite dishes one diameter in size or smaller and placing them in locations not visible from the public right-of-way.
13. Installing removable cellular tower poles, which may be attached to the roofs of buildings, but must be set back one bay from the perimeter wall.
14. Additional landscape screening may be required by City staff to lessen impact of parking, lighting, or noise on neighboring residential properties.

### **Landscape**

1. Landscaping the perimeters of parking areas with trees and low plantings to provide pedestrian linkages, to reinforce the traditional grid system of the original street and alleys, and to screen the view of vehicles and surface paving.
2. Planting trees and shrubs at the peripheral edges of a vacant lot to reinforce the traditional edge between the absent building wall and the sidewalk. The edges should coincide with the setback and configuration of adjacent buildings.
3. Maintaining traditional alleyways, lot delineations, and open spaces.
4. Introducing discreet, coordinated interpretive signage throughout the zone to educate visitors about the history of the buildings in Zone 1 and that of the surrounding areas.

### **Parking**

1. Locating surface parking lots in traditional open spaces.
2. Subdividing larger surface lots with landscaped islands that include trees.
3. Visually and spatially separating pedestrian walkways adjacent to parking and driveways through the use of additional site elements, including bollards, lighting, landscaping, and special pavement treatments.

### **Lighting**

1. Using light fixtures that are as inconspicuous as possible and that are compatible with the industrial character of Zone 1.
2. Using dark sky fixtures.
3. Using incandescent lights to illuminate small projecting and flat signboards.
4. Designing the light source for signs as a part of the sign or hiding it from view.

### **Awnings**

1. Using fixed awnings of metal or synthetic materials that are compatible with the industrial character of the zone.
2. Using installations that do not damage the building or visually block or impair its distinctive architectural features.
3. Selecting colors, pattern, form, and materials that relate to and complement the surrounding buildings.

### **Access**

1. Providing building access through a primary public entrance. If access through a primary entrance cannot occur without causing permanent damage to the character-defining features of the historic entrance, at least one entrance used by the public should be

made accessible. Appropriate directional signage should be installed to direct disabled individuals from the primary historic entrance to the accessible entrance.

2. Installing mechanical wheelchair lifts or submergible lifts in unobtrusive locations with cover from the elements.
3. Installing ramps along side elevations that are designed and located to minimize the loss of any historic features at the connection point to the building. Installing ramps behind historic features such as walls, railings, or landscaping to minimize the visual effect from the public right-of-way.

### **Signage**

1. Using signs that respect the size, scale, and design of the historic building and are pedestrian scaled; signs that do not obscure significant features of the historic building and neighboring buildings; and sign materials compatible with and characteristic of the building's period and style, including the following primary sign forms: (1) a single plaque on a flat surface on the first story wall plane near the entrance; (2) a projecting pendant sign mounted on a flat wall plane above the primary entrance; or (3) signage printed on awnings
2. Using simple legible primary signs containing only the name of the business and no secondary or incidental information.
3. Selecting colors, materials, and a lettering style that relates to and complements the historic building and the surrounding buildings. In general, each sign should contain a maximum of three colors, two materials, and one lettering style.
4. Using signs attached to building that do not damage the historic fabric and that ensure the safety of pedestrians. Installing fittings that penetrate mortar joints rather than brick with properly calculated and distributed sign loads.
5. Using signs painted on windows and doors for secondary information that do not obscure visibility from inside or outside the building.

### **New Additions**

1. Designing and constructing new additions that preserve the historic character of the building by visibly retaining significant historic materials and features.
2. Determining if the building can meet new use requirements by altering non-character-defining interior spaces rather than by constructing a new addition to the building.
3. Utilizing a design that is visually distinguishable from the historic building, but that is clearly subservient to the historic building.
4. Locating an attached exterior addition at the rear or on an inconspicuous side of a historic building. Limiting the size and scale of an addition in relationship to the historic building.
5. Constructing a new addition so that there is the least possible loss of historic materials and so that character-defining features are not obscured, damaged, or destroyed.
6. Utilizing elevator or stair towers that have a high degree of transparency and that expose the building's original materials and features.
7. Using small, recessed, transparent connector "hyphens" that expose original materials and features and distinguish the historic building from the new addition.
8. Restore existing openings that have previously been filled in or blocked Placing new

additions such as balconies, greenhouses, and other special use additions on secondary elevations, and limiting their size and scale in relationship to the historic building.

9. Designing an additional penthouse story, rooftop garden, or greenhouse, when required, that is clearly subservient to the historic building, set back at least one full bay from the building's tall wall planes, and is as inconspicuous as possible when viewed from the street from within a several-block radius.

### **New Infill Construction**

1. Limiting new construction in historically open spaces to the southeast quadrant of the zone or placing it in accordance with historic building patterns documented in Sanborn Fire Insurance Company maps.
2. Retaining the footprint, size, scale, and height and massing of the original building when constructing replacement buildings
3. Locating front walls on the same plane as the façades of adjacent buildings and matching the rhythm of spacing between buildings and the rhythm of entrances and other projections or recesses to sidewalks.
4. Erecting buildings of one or two stories. The height and scale of new buildings should match the height of adjacent historic buildings on the streetscape.
5. Matching the type, size, proportion, and pattern of openings on the primary façade and loading dock façades to that of the adjacent buildings. Storefront façades in new construction should reference the industrial loading dock entrances and doors in size and glazing.
6. Using materials, texture, and color that relate to and harmonize with those on nearby historic buildings and structures.
7. Continuing of the use of similar roof shapes, types, and materials

## **D. STAFF ANALYSIS**

As originally platted, the property identified for this project as 804 Pennsylvania Street was two platted lots with separate addresses. 804 Pennsylvania Street was the northern lot (Lot 14) and the lot to the south (Lot 16) was 806 Pennsylvania Street. At least until 1949, 804 Pennsylvania was developed with a 1 ½/ 2 story residential structure. This residential structure may have dated prior to 1883 as a dwelling structure with a similar form is on the Sanborn maps from 1883 to 1949. The existing two-story, historic stone building was first shown on the Sanborn maps in 1905. The National Register nomination and survey form for the structure date the structure between 1897 and 1905 based on the Sanborn maps. The existing stone structure has two sections divided by an internal firewall that extends through the roof. The primary facade faces north with the primary entrance for the structure off center to the west and a secondary access on the northwest corner. The only fenestration on the west side is a ground level door with associated brick arch and an upper level window.

### **Design Guidelines Review**

This project requires review using the Design Guidelines 8<sup>th</sup> and Penn Neighborhood Redevelopment Zone Review, the development and design standards for the 8<sup>th</sup> and

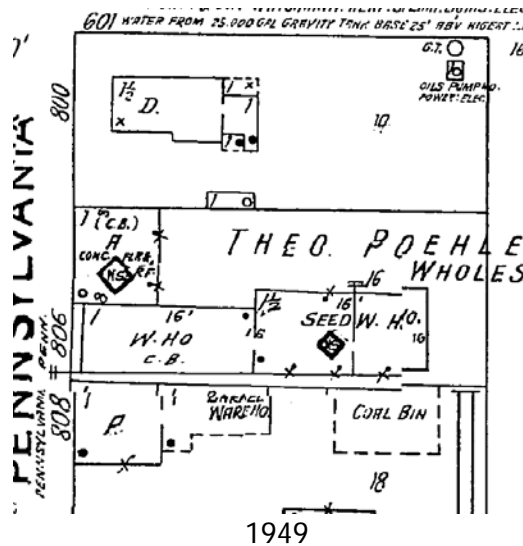
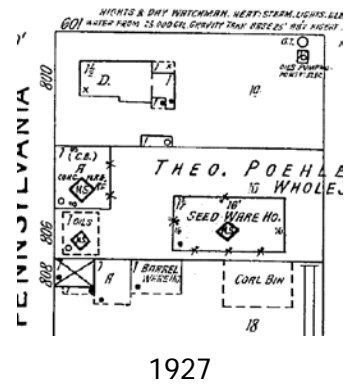
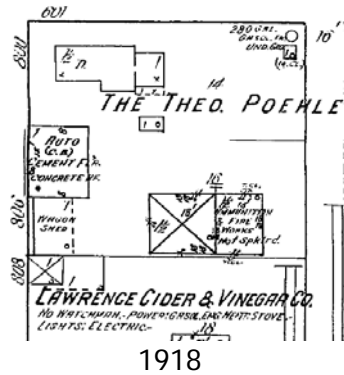
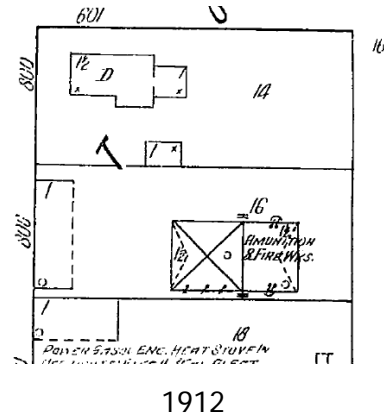
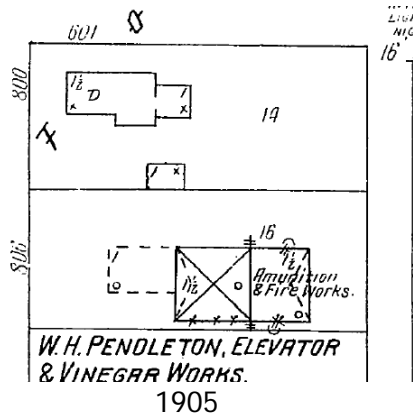
Pennsylvania Urban Conservation Overlay District (City Code Chapter 20-308(i)). City staff administers these guidelines (City Code Chapter 20-308(f)(3)).

Staff determined the proposed project does not meet the development and design standards for the 8<sup>th</sup> and Pennsylvania Urban Conservation Overlay District. Specifically staff identified that the new structure should be clearly subservient to the historic structure and should be compatible with the historic structure in size, scale, massing, materials and setbacks.

Per City Code Chapter 20-308(g)(1), a person aggrieved by a decision of the city staff determining whether the development/design standards have been met may file a written appeal with the HRC. The appeal shall be filed within 10 working days after the staff decision has been made. The applicant appealed staff's determination on November 3, 2016. Because the state law review was scheduled for the November 17, 2016 HRC meeting, the appeal request will be heard at the same meeting.

The proposed structure is a new accessory structure to the existing historic structure on the same lot. This type of structure is not identified in the design guidelines. The project is similar to both an addition to a historic property and new construction on a property although it is not the typical "New Infill" as described in the guidelines. The new structure will likely appear as an addition to the historic structure as there is only a 1' separation from the roof of the new structure to the west elevation of the historic structure. The new structure can also be reviewed as new construction because it is free standing. Staff used both the addition guidelines and the new infill construction guidelines to review the project. According to the guidelines, both additions and new construction should be clearly subservient to the historic structure and should be compatible with the historic structure in size, scale, massing, materials and setbacks. (Zone 1 New Additions and New Infill Construction)

Accessory structures did exist historically in the overlay district. The Sanborn maps show several accessory structures in the area but they appear to have been either open sheds or enclosed storage facilities. The Sanborn maps also show that some of the structures had attachments or adjacent structures that were drawn as porches. In 1905 when the stone building first appears on the Sanborn maps, the building has a one story porch of some type to the west of the structure aligning with the north elevation but not covering the door located on the west elevation. This structure is not shown on the following 1912 map and does not reappear in later maps. Several accessory structures appear and disappear over the Sanborn mapping period to 1949. In 1949 there is a large enclosed warehouse building that is adjacent to the stone structure and extends almost to the western property line along Pennsylvania Street.



The guidelines for additions and new construction are very similar in that they promote designs that are visually distinguishable from the historic property, but clearly subservient to the historic property. For additions, the guidelines advise locating a new addition at the rear or on an inconspicuous side of a historic building and limiting the size and scale of an addition in relationship to the historic building. Additions should also be constructed so that there is

the least possible loss of historic materials and so that character-defining features are not obscured, damaged, or destroyed. Small, recessed, transparent connectors, "hyphens", can be used to expose original materials and features and distinguish the historic building from the new addition.

The proposed structure is clearly distinguishable from the historic stone structure and causes absolutely no physical harm or loss of historic materials. The general location of the proposed structure is not a concern for staff as historically accessory structures on the lot have been located to the west of the historic structure due to its location on south property line. The challenge for the current design is subservience to the historic structure and the lack of compatibility with the historic structure.

Subservience and compatibility for this design are interrelated. The lack of compatibility due to the size, scale, massing, materials, and location of the proposed structure create the appearance of a structure that competes with the historic structure. Staff is of the opinion that if the compatibility issues are addressed, the new structure will become more visually subservient to the historic structure.

The proposed project can also be viewed as new infill construction because it is not attached to the historic structure, is a stand-alone structure, and is located in what is currently an open space. While the guidelines are silent on the construction of new accessory structures on the same lot with a historic structure, like the guidelines for additions, the guidelines for new construction focus on the compatibility of the new structure with the historic property. Modern construction is not discouraged but it should be designed to respect and complement the historic patterns of the area. By taking cues from the historic patterns and materials, modern construction can be compatible with the historic structure.

Again, the challenge for the current design is the lack of compatibility with the historic stone structure. The proposed structure fails to relate to the historic structure because it does not have any reference to the historic structure and does not utilize the existing patterns and materials of the area. While open on three sides, the structure creates a focal point for the property when the garage doors are down. If the design is refined to visually read as more of a stand-alone shed and the scale and setbacks adjusted to clearly create this appearance, the structure will be more compatible with the property and district as it will give reference to historic accessory sheds that were typical in this area.

Alterations to the design of the proposed project could meet the intent of the Design Guidelines 8<sup>th</sup> and Penn Neighborhood Redevelopment Zone.

### **State Law Review**

The Design Guidelines 8<sup>th</sup> and Penn Neighborhood Redevelopment Zone for Zone 1 are based on the Secretary of the Interior's Standards for Rehabilitation. The State Law review uses these same standards. As a result, the State Law review for this project is very similar to the above analysis for the design guidelines review.

The standards that apply to this project are Standards 9 and 10.

Standard 9 identifies that *"new additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale and architectural features to protect the historic integrity of the property and its environment."*

As mentioned above, the proposed project in no way destroys any historic materials that characterize the historic district. The challenge for the structure is one of design. While the proposed design is differentiated from the historic structures in the district, it is not compatible with the size, scale, and architectural features of the district or adjacent historic structure. The idea of a structure of this type and use is not incompatible with the overall district. If the design of the proposed structure is refined to visually read as a stand-alone shed and the scale and setbacks are adjusted, the structure will be more compatible with the property and district. The creation of a structure that reads as open at all times will reference historic accessory sheds that were typical in this area.

Standard 10 focuses on the ability of new additions and adjacent or related new construction to be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired. Because the proposed structure is not attached to historic property, the removal of the structure in the future will allow the original form and integrity of the property and its environment to be unaffected.

Design refinement can be very positive for both the applicant and the community as the final product meets the community expectations as reflected in the design guidelines and helps to create a project that is more harmonious with the surrounding area and often more architecturally pleasing to the applicant. The applicant has indicated that they are willing to look at design options to meet the standards and guidelines.

Staff is of the opinion that the overall concept of the proposed project is acceptable for the historic properties and the conservation overlay district. However, design refinement will allow for the structure to become more compatible with the area and subsequently more subservient to the adjacent historic stone structure. The Commission should refer this project to the Architectural Review Committee for design refinements to address compatibility. Staff would propose that the following items be investigated, reviewed, and determined by the ARC:

1. Establish a clear separation between the new structure and the historic structure so the new structure is not only distinguished by its architecture and materials but also by its independent location.
2. Remove the garage door system on the north elevation and replace it with a multi fold, pivot, or accordion style glass system. This change in system will create a visual appearance of openness when the system is engaged. The garage doors are a bold and assertive statement that is incongruent with the character of an open shed.
3. Discuss specific materials to be used for the structure. The final appearance and compatibility of the structure also depends on the building materials. There are many different types of polycarbonate sheets used as building materials. The final product should be determined prior to the approval of the project.

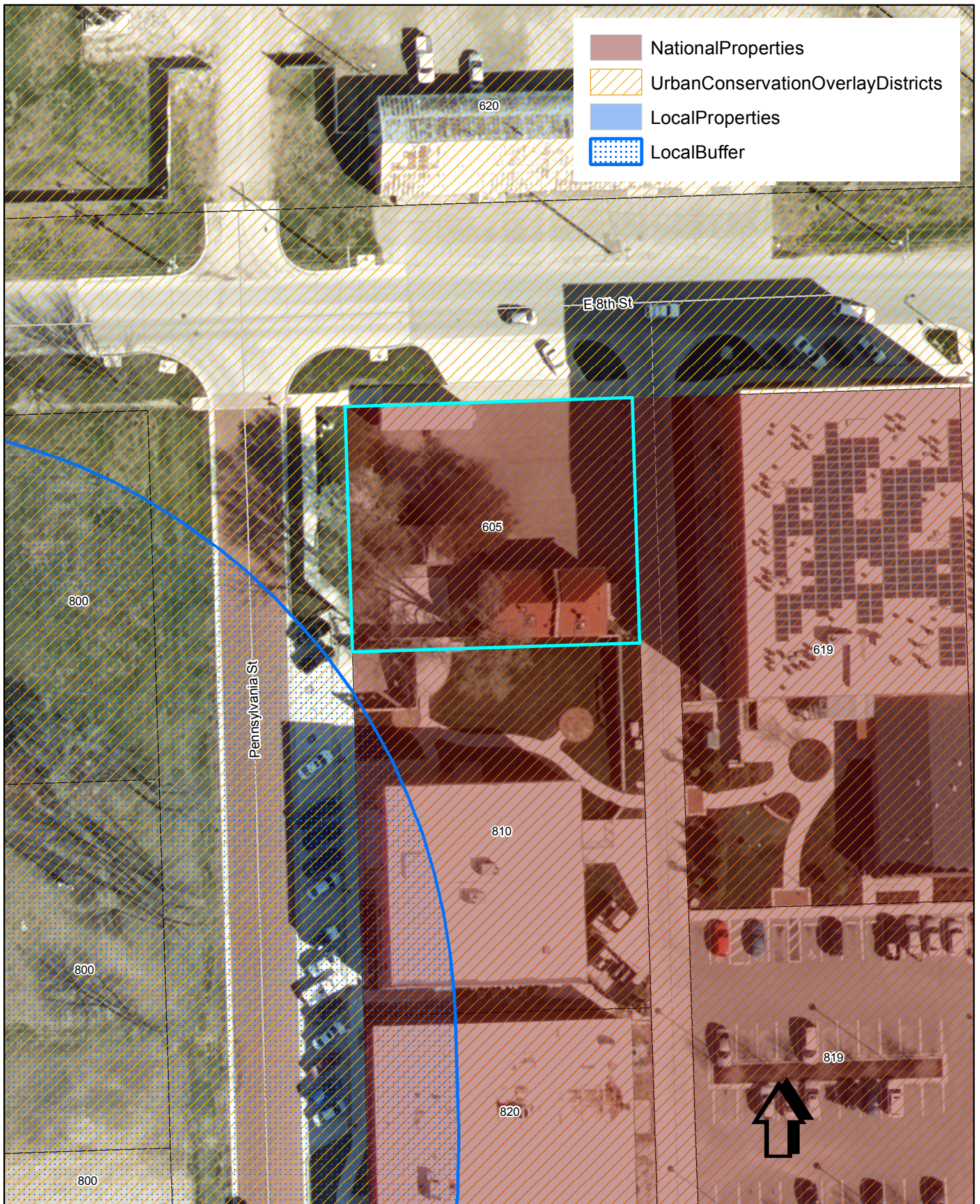
4. Discuss options that may reduce the height of the structure on the north to allow for a greater differentiation from the historic stone structure roof.

Upon the review and decision of the ARC, the project will return to the full commission for review and action.

**E. STAFF RECOMMENDATION**

Staff recommends the Commission refer the project to the Architectural Review Committee to refine the design to meet the applicable standards and guidelines while achieving the applicants' overall project goals.

# 804 Pennsylvania Street





THOMAS M. MARKUS  
CITY MANAGER

# City of Lawrence

## PLANNING & DEVELOPMENT SERVICES

City Offices  
PO Box 708 66044-0708  
[www.lawrenceks.org](http://www.lawrenceks.org)

6 East 6<sup>th</sup> St  
785-832-3000  
FAX 785-832-3405

### CITY COMMISSION

MAYOR  
MIKE AMYX

COMMISSIONERS  
LESLIE SODEN  
STUART BOLEY  
MATTHEW J. HERBERT  
LISA LARSEN

November 1, 2016

Tom Larkin  
[tlarkin@flinthillsholding.com](mailto:tlarkin@flinthillsholding.com)  
Flint Hills Holdings Group, LLC  
832 Pennsylvania Street  
Lawrence, KS 66044

Design Review #: DR-16-00444  
Historic Resources Commission Meeting Date: November 17, 2016

Dear Tom:

This project requires review under the State Preservation Law (K.S.A. 75-2724) and cannot be reviewed administratively by staff. The project is scheduled for the Lawrence Historic Resources Commission (HRC) meeting on November 17, 2016. Attendance is strongly encouraged at the HRC meeting.

This project also requires review using the Design Guidelines 8<sup>th</sup> and Penn Neighborhood Redevelopment Zone Review, the development and design standards for the 8<sup>th</sup> and Pennsylvania Urban Conservation Overlay District (City Code Chapter 20-308(i)). City staff administers these guidelines (City Code Chapter 20-308(f)(3)).

Staff has determined that the proposed project does not meet the development and design standards for the 8<sup>th</sup> and Pennsylvania Urban Conservation Overlay District. Staff is of the opinion that the proposed structure is a new accessory structure to the existing historic structure on the same lot. This type of structure is not identified in the design guidelines. The project is similar to both an addition to a historic property and new construction on a property although it is not the typical "New Infill" as described in the guidelines. Both additions and new construction should be clearly subservient to the historic structure and should be compatible with the historic structure in size, scale, massing, materials and setbacks. (Zone 1 New Additions and New Infill Construction) Accessory structures did exist in the overlay district but they were either open sheds or enclosed storage facilities.

Alterations to the design of the proposed project could meet the intent of the Design Guidelines 8<sup>th</sup> and Penn Neighborhood Redevelopment Zone.



Per City Code Chapter 20-308(g)(1), a person aggrieved by a decision of the city staff determining whether the development/design standards have been met may file a written appeal with the HRC. The appeal shall be filed within 10 working days after the staff decision has been made. If you choose to appeal staff's determination, a written appeal must be received by the Planning Office by **November 10, 2016**. The appeal may be in the form of a letter.

The State Law Review will be considered by the HRC on November 17, 2016. Should you choose to appeal the staff determination of the development and design standards for the 8<sup>th</sup> and Pennsylvania Urban Conservation Overlay District, the appeal may be heard by the HRC at the same public hearing on November 17, 2016.

If you have further questions about the review process for this project, please contact me at (785) 832-3151.

Thank you,

A handwritten signature in blue ink, reading "Lynne Braddock Zollner". The signature is fluid and cursive, with the first name "Lynne" and last name "Zollner" being more prominent than the middle name "Braddock".

Lynne Braddock Zollner, Historic Resources Administrator



# City of Lawrence Douglas County

PLANNING & DEVELOPMENT SERVICES

Pre-Application Meeting Required  
Planner \_\_\_\_\_  
Date \_\_\_\_\_  
Date Received \_\_\_\_\_

6 East 6<sup>th</sup> St.  
P.O. Box 708  
Lawrence, KS 66044

[www.lawrenceks.org/pds](http://www.lawrenceks.org/pds)

Phone 785-832-3150  
Tdd 785-832-3205  
Fax 785-832-3160

## DESIGN REVIEW APPLICATION

### PROPERTY INFORMATION

Address of Property 804 PENNSYLVANIA ST., LAWRENCE, KS

Legal Description (may be attached) \_\_\_\_\_

### OWNER INFORMATION

Name(s) OHIO MORTGAGE INVESTORS, LLC

Contact ~~TONY KRESNICH~~ TONY KRESNICH

Address 832 PENNSYLVANIA ST.

City LAWRENCE State KS ZIP 66044

Phone ~~(785)~~ (785) 766 9230

Fax ( ) \_\_\_\_\_

E-mail ~~tony@flinthillsholdings.com~~ tony@flinthillsholdings.com

Cell Phone (913) 904 6747

### APPLICANT/AGENT INFORMATION

Contact TOM LARKIN

Company FLINT HILLS HOLDINGS GROUP, LLC

Address 832 PENNSYLVANIA ST.

City LAWRENCE State KS ZIP 66044

Phone (785) 766 9230

Fax ( ) \_\_\_\_\_

E-mail tlarkin@flinthillsholdings.com

Cell Phone ( ) \_\_\_\_\_

Existing Zoning <u>CS-UC</u>	Existing Land Use	Proposed Land Use <u>SAME</u>	# of Buildings <u>1</u>
Total site area <u>11,718</u>	Existing Building Footprint <u>1302</u>	Proposed Building Footprint <u>897</u>	Open Space Area <u>9,519</u>
Existing Pavement Coverage <u>6613</u>	Proposed Pavement Coverage <u>6613</u>		
<b>Are you also submitting any of the following applications?</b>			
• Building Permit <u>YES</u>	• Site Plan <u>NO</u>	• Special Use Permit <u>NO</u>	• Zoning Change <u>NO</u>
• Variance <u>NO</u>	• State or Federal Tax Credit Application <u>YES</u>	Other (specify) _____	

**Property****Address:** 804 Pennsylvania St.

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**Detailed Description of Proposed Project:  
(Attach additional sheets if necessary)**

Open air dining canopy that will provide a rain cover over the existing outdoor dining area. Three overhead doors made from aluminum and clear glazing can be operated to partially enclose one side of the canopy to serve as a wind block in the winter. The canopy will also provide a structure from which patio heaters and/or fans could be mounted. The canopy will not attach to the existing building and will be bolted to footings that will be flush with the existing paving in such a way that the canopy is removable.

**Reason for Request:  
(Attach additional sheets if necessary)**

To extend the times at which patrons may enjoy the outdoor dining are during times of light rain and mild winter conditions.

**Architect/Engineer/Contractor Information:** Please provide name and phone number of any persons associated with the project.

Contact Scott TRETTEL  
Company TRETTEL DESIGN BUILD LLC  
Address 846 PENN ST.  
City WINSTON-SALEM State \_\_\_\_\_ ZIP \_\_\_\_\_  
Phone ( ) \_\_\_\_\_ Fax ( ) \_\_\_\_\_  
E-mail STRETTEL@TRETTELDESIGN.COM Cell (785) 691 5525

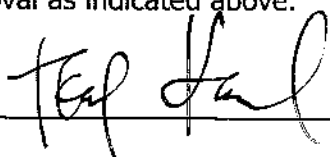
**REQUIRED ATTACHMENTS:**


- ☐ Photographs of existing structure and site
- ☐ Scaled or dimensioned site plan with a graphic/bar scale
- ☐ Scaled elevation drawings with a graphic/bar scale
- ☐ Scaled or dimensioned floor plans with a graphic/bar scale
- ☐ Materials list
- ☐ Digital copy of application materials

**ADDITIONAL INFORMATION MAY BE REQUIRED BASED ON THE SCOPE OF THE PROJECT**

**SIGNATURE**

I/We, the undersigned am/are the **(owner(s))**, **(duly authorized agent)**, **(Circle One)** of the aforementioned property. By execution of my/our signature, I/we do hereby officially apply for design review approval as indicated above.

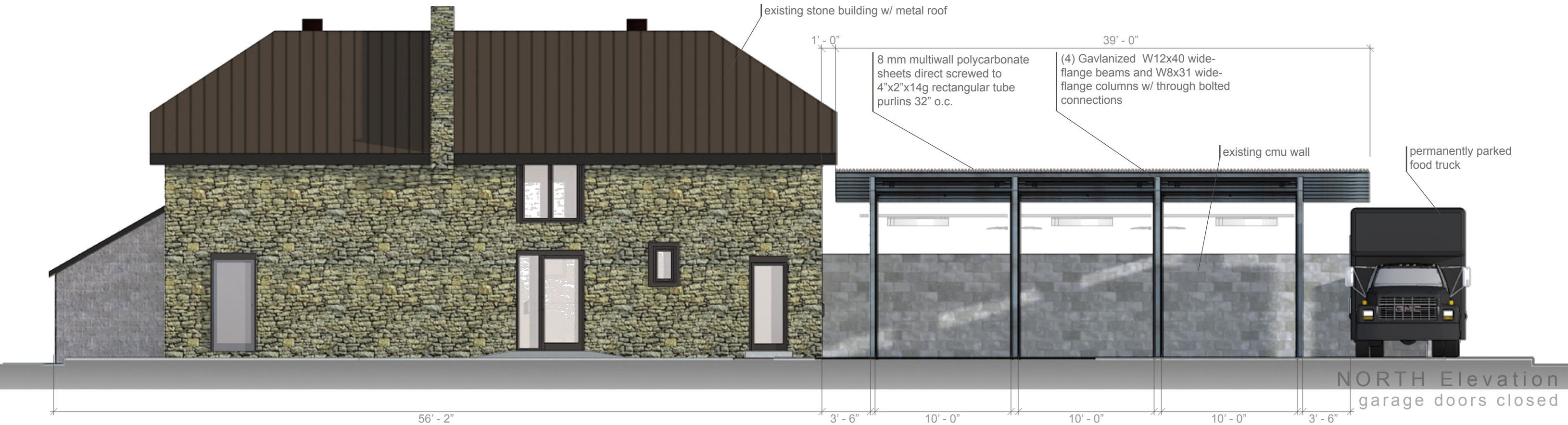
Signature(s):  Date 10/10/16

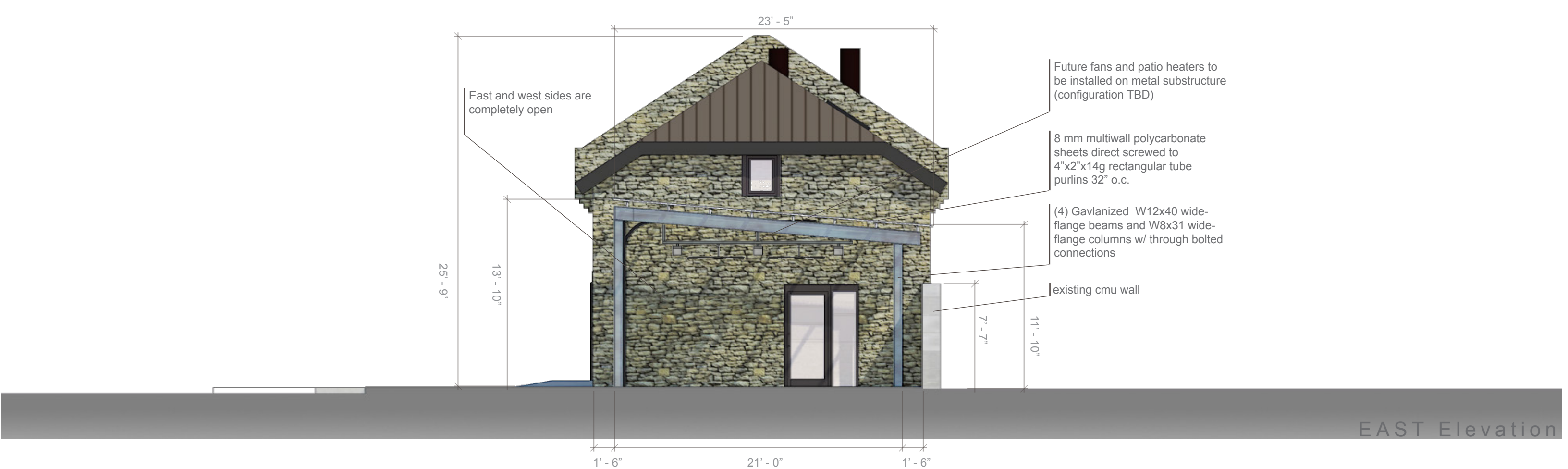
 Date 10/10/16

\_\_\_\_\_  
Date \_\_\_\_\_

**Note: If signing by agent submit Owner Authorization Form**







# Memorandum

## City of Lawrence

### Planning and Development Services

TO: Historic Resources Commission  
FROM: Lynne Braddock Zollner, Historic Resources Administrator  
DATE: November 16, 2016  
RE: Item No. 7: 804 Pennsylvania Street Revisions to Submitted Project

#### **Background**

##### **Project Timeline**

10/5 Meeting with applicant on potential project. Staff concerns about the project relayed to applicant team.  
10/10 Submission of Application.  
10/14 Email requesting information to complete review.  
10/20 Revisions submitted. The revisions did not include all of the information requested.  
10/26 Request to meet with designer due to potential issues and possible design options.  
10/27 2<sup>nd</sup> request to meet. Staff supplied list of items that could be altered to meet the standards.  
10/28 Staff advises project should be deferred to December meeting.  
10/30 Applicant desires to stay on the November agenda.  
11/1 Design Guidelines Determination of denial to applicant and applicant request for meeting.  
11/3 Appeal from applicant.  
11/9 Meeting with applicant team.  
11/10 Completed proposed revisions based on 11/9 meeting.  
11/11 Planning Director approves placing revised project on the November agenda.  
11/15 SHPO and HRA conclude review of project revisions.

#### **Original Project Description**

A new structure to add a covered outdoor space to accommodate the use of the historic structure located at 804-806 Pennsylvania Street. The metal frame structure would be approximately 38' from east to west and will be 21' from north to south. No side or rear walls were proposed and the north elevation was to partially enclosed with garage doors. A shed roof was to cover the structure.

#### **Original Staff Recommendation**

Staff recommended the commission refer the project to the Architectural Review Committee to refine the design to meet the applicable standards and guidelines while achieving the applicants' overall project goals. Specific items to be addressed were:

1. Establish a clear separation between the new structure and the historic structure so the new structure is not only distinguished by its architecture and materials but also by its independent location.

2. Remove the garage door system on the north elevation and replace it with a multi fold, pivot, or accordion style glass system. This change in system will create a visual appearance of openness when the system is engaged. The garage doors are a bold and assertive statement that is incongruent with the character of an open shed.
3. Discuss specific materials to be used for the structure. The final appearance and compatibility of the structure also depends on the building materials. There are many different types of polycarbonate sheets used as building materials. The final product should be determined prior to the approval of the project.

Staff was also of the opinion the ARC should discuss options that might reduce the height of the structure on the north to allow for a greater differentiation from the historic stone structure roof.

### **Revised Project**

The revisions submitted by the applicant on November 10, 2016 include:

1. Additional setbacks from the west elevation of the historic building and from the front wall plane established by the north wall plane of the historic structure.
2. All of the enclosure system on the north elevation of the proposed structure was removed. The revised structure plans show no enclosure systems on any of the four elevations of the structure.
3. Final building materials for the proposed structure were provided.

### **Staff Evaluation and Recommendation**

The alterations to the project, the revised project, address the staff concerns for the original project found in the staff analysis of the staff report that was posted on November 8, 2016. While the increased setbacks are minimal, they do help with the visual separation of the new structure from the historic structure. The complete removal of the originally proposed enclosure system on the north elevation creates an open shed that is more appropriate for the property and the district.

Subservience and compatibility for this project are interrelated. While the new structure continues to be large in comparison with the historic structure, the alterations to the structure in the revised drawings aid in the compatibility and subservient nature of the new structure. The open structure is more in keeping with historic shed structures that have historically existed in the district. The slight changes to the setbacks in combination with the removal of the garage doors give a visual appearance of a shed structure that is compatible with scale and massing, materials, and location.

### **State Law Review**

Staff recommends the Commission approve the revised project, dated 11/10/2016, and make the determination that the revised project does not damage or destroy any historic property included in the National Register of Historic Places or the State Register of Historic Places (Register of Historic Kansas Places) if the applicant agrees to an amendment of submitting a future application for any alteration, including doors or enclosure of the structure, for historic review by the city.

#### Design Guidelines 8<sup>th</sup> and Penn Neighborhood Redevelopment Zone Review

Staff recommends the Commission approve the revised project, dated 11/10/2016, and make the determination it meets the intent of the Design Guidelines 8<sup>th</sup> and Penn Neighborhood Redevelopment Zone Review, the development and design standards for the 8<sup>th</sup> and Pennsylvania Urban Conservation Overlay District (City Code Chapter 20-308(i)).

#### Additional Recommendation

Staff also recommends the commission direct staff to review any minor alterations to the project that meet the applicable standards and guidelines administratively. Any other revisions or modifications to the project should be forwarded to the Historic Resources Commission for review.

#### **Possible Actions for the HRC**

##### State Law Review

1. In accordance with the Secretary of the Interior's Standards, the standards of evaluation, the Commission may approve the revised project and make the determination that the revised project does not damage or destroy any historic property included in the National Register of Historic Places or the State Register of Historic Places (Register of Historic Kansas Places) if the applicant agrees to an amendment of submitting a future application for any alteration, including doors or enclosure of the structure, for historic review by the city.
2. Refer the application to the ARC for design refinement.
3. Deny the application citing how the project does not meet the Secretary of the Interior's Standards and make the determination that the revised project will damage or destroy any historic property included in the National Register of Historic Places or the State Register of Historic Places (Register of Historic Kansas Places).

#### Design Guidelines 8<sup>th</sup> and Penn Neighborhood Redevelopment Zone Review

1. Approve the revised project as it meets the intent of the Design Guidelines 8<sup>th</sup> and Penn Neighborhood Redevelopment Zone Review, the development and design standards for the 8<sup>th</sup> and Pennsylvania Urban Conservation Overlay District (City Code Chapter 20-308(i)).
2. Determine the proposed project does not meet the intent of the Design Guidelines 8<sup>th</sup> and Penn Neighborhood Redevelopment Zone Review, the development and design standards for the 8<sup>th</sup> and Pennsylvania Urban Conservation Overlay District (City Code Chapter 20-308(i)).
3. Refer the application to the ARC for design refinement.

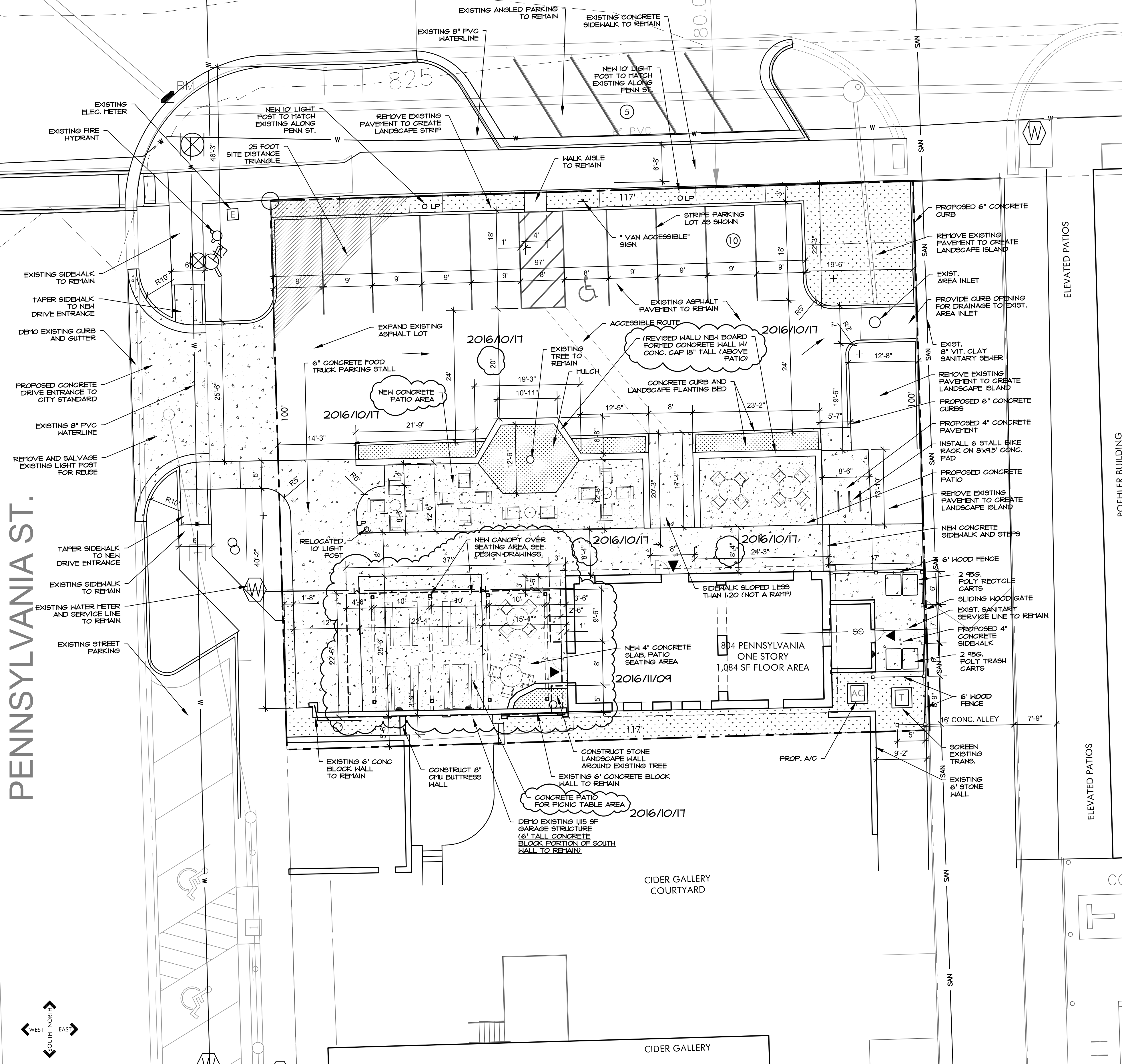
#### Additional Recommendation

Staff also recommends the commission direct staff to review any minor alterations to the project that meet the applicable standards and guidelines administratively. Any other revisions or modifications to the project should be forwarded to the Historic Resources Commission for review.

PENNSYLVANIA ST.

8TH STREET

180.00' R/W



1 SITE PLAN  
1" = 10'-0"

**PROJECT DESCRIPTION:**  
Building remodel and site modifications for food and beverage sales use - Fast Order Food with Accessory Bar. This project is intended to provide minor modification and additional detail to SP-13-00349 as previously submitted. This revision expands and reconfigures the outdoor Dining.

**PROPERTY OWNER:**  
Ohio Mortgage Investors, LLC  
13420 Santa Fe Trail Dr.  
Lenexa, KS 66215-3655

**ARCHITECT:**  
Hernly Associates, Inc.  
920 Massachusetts St. Suite 2  
Lawrence, KS 66044-2868

**LEGAL DESCRIPTION:**  
Lot 1, 8th and Pennsylvania Neighborhood Redevelopment Addition No. 3, City of Lawrence, Douglas County, Kansas.

**ZONING:**  
CS - UC (COMMERCIAL STRIP-URBAN CONSERVATION OVERLAY)  
ORDINANCE NO. 8920 - Permitted/Excluded Uses:  
The rezoning granted in Section 1, supra, in addition to being subject to the general conditions established in Chapter 20 of the Code of the City of Lawrence, Kansas, 2013 Edition, as amended, is also subject to the following special condition:  
(a) The following uses are excluded from the zoning district described in Section 1, supra:  
(i) Bars (unless, within a calendar year, 55% of gross receipts from said use are derived from the sale of food for consumption on the premises; said restriction shall be applied beginning on the two-year anniversary of the commencement of the use);  
(ii) Liquor Store;  
(iii) Ambulance Service;  
(iv) Car or Truck Wash;  
(v) Auto Repair;  
(vi) External drive-through ATM or drive-through window (walk-up ATM's are allowed);  
(vii) Furriers;  
(viii) Pawn Shop;  
(ix) Mobile Home Sales and Service;  
(x) Golf Driving Range;  
(xi) Pet Store (animal sales);  
(xii) Loan Office (short-term cash advance loans); and  
(xiii) Convenience Store with Gasoline Sales

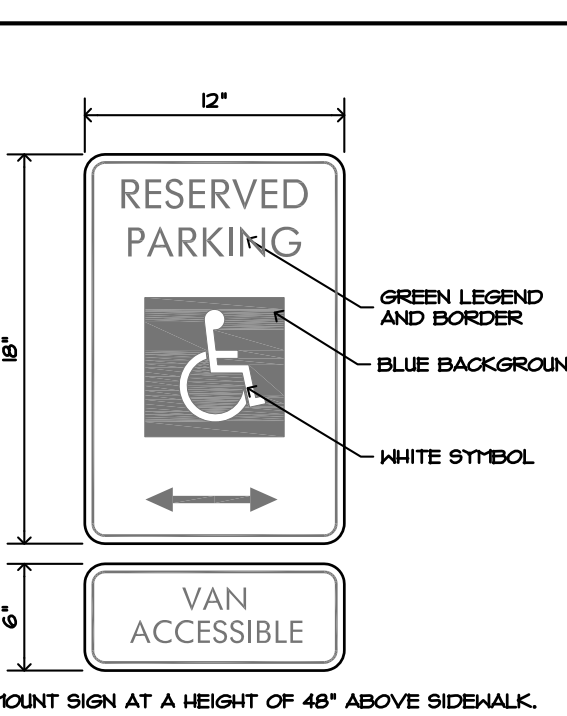
**OUTDOOR DINING:**  
Per City Code Section 9-902, the outdoor dining area will be managed to prevent stormwater pollution. Food waste, trash, cigarettes and other solid wastes will be collected and disposed of properly. Collection must be frequent enough to prevent wastes carried off by wind or stormwater runoff. Pavement and furnishings must be cleaned frequently enough to prevent contamination of stormwater runoff. Fluid waste, including wastewater from pavement or furniture cleaning, will be collected and discharged to the sanitary sewer system."

LIGHTING	KEY	QUAN	NOTES
DECORATIVE STREET LIGHT	OLP	3	RELOCATED AND NEW MATCH EXIST. 3" DIA. x 10' POLE
INSET STEP LIGHT		8	9 WATT CF CONCEALED CONDUIT, INSET LIGHTS
DECORATIVE WALL SCONCE		3	16.8 WATT LED LAMP, SURFACE MOUNTED CONDUIT ON CMU WALL ONLY
DECORATIVE WALL SCONCE		5	16.8 WATT LED, SURFACE MOUNTED CONDUIT ON CMU WALL ONLY

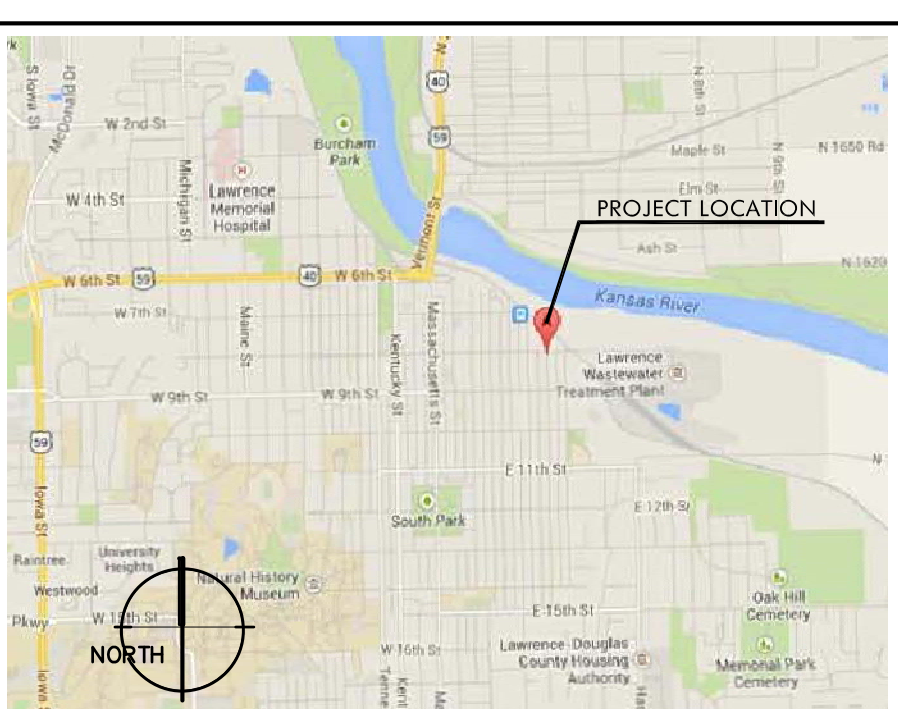
## SITE NOTES



## ELEVATIONS



## PARKING SIGN



## LOCATION MAP

**REFUSE DISPOSAL**  
The business practices will include a high level of recycling and composting. Refuse will be handled utilizing (2) 95 gal. poly trash carts. Recycling will be handled with an additional (2) 95 gal. poly trash carts. Composting will be collected indoors and taken as needed to an off-site composting area.

**HRC DETERMINATION**  
The Lawrence Historic Resources Commission at their meeting on June 19, 2014 approved the site plan with the following amendments:  
• Any changes to the approved project will be submitted to the Historic Resources Administrator prior to the commencement of any related work.  
• The site plan process (Development Code 20-1305) for the removal of the garage and replacement with outdoor dining is completed prior to the installation of the outdoor dining.  
• The demolition permit may be released for permitting prior to the release of the site plan.

PROPERTY SURFACE SUMMARY	
EXISTING SUMMARY	
TOTAL BUILDINGS	= 2,417 S.F.
TOTAL PAVEMENT	= 7,125 S.F.
TOTAL IMPERVIOUS	= 9,542 S.F.
TOTAL PERVIOUS	= 2,176 S.F.
TOTAL PROPERTY AREA	= 11,718 S.F.

SUMMARY AFTER PROJECT COMPLETION	
TOTAL BUILDINGS	= 1,302 S.F.
TOTAL PAVEMENT	= 6,613 S.F.
TOTAL IMPERVIOUS	= 7,915 S.F.
TOTAL PERVIOUS	= 3,803 S.F.
TOTAL PROPERTY AREA	= 11,718 S.F.

**PARKING REQUIREMENTS: (based on area plan)**  
1 STALL FOR 250 SF OF BUILDING AREA FOR FOOD RELATED USES  
BUILDING FLOOR AREA: 1,084 SF/250 = 5 STALLS REQUIRED  
OUTSIDE DINING AREA: 1,711 SF/250 = 7 STALLS REQUIRED  
TOTAL REQUIRED: = 12 SPACES (INCL. 1 VAN ACCESSIBLE)  
PARKING AVAILABLE: = 10 ON SITE (INCL. 1 VAN ACCESSIBLE) +2 ADJACENT STREET

**BIKE PARKING:** = 6 SPACES PROVIDED

**ADA NOTE**  
This site plan has been designed within reasonable professional efforts to comply with the provisions of The Americans With Disabilities Act Accessibility Guidelines (ADAAG) for Buildings and Facilities, Appendix A to 28 CFR Part 36. No warranty is given that this site complies with all interpretations of said provisions.

**USE GROUP:**  
Previously Approved Use: Quality Restaurant/Bar  
Proposed Use: Fast Order Food/Bar  
  
Note: The Mobile Food Vendor is governed by the regulations in Section 6-17 of the City Code.

PENN STREET BISTRO  
804 PENNSYLVANIA  
LAWRENCE, KANSAS

Hernly  
ASSOCIATES

920 Massachusetts  
Lawrence, Kansas  
66044  
785-749-5806  
FAX 785-749-1515

REVISIONS: Flint Hills Holdings, LLC  
Connor Janzen & Lex DeWitt

SITE LAYOUT	
Date:	2014/05/20
Drawn by:	
Checked by:	2014/06/20
Revisions:	2014/01/09
	2014/01/25
	2016/08/04
	2016/08/16
	2016/10/11
	2016/11/04

SP-2

