

**LAWRENCE HISTORIC RESOURCES COMMISSION
AGENDA MEETING JULY 21, 2016 6:30 PM
ACTION SUMMARY**

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

ITEM NO. 1: COMMUNICATIONS

- A. There were no communications from other commissions, State Historic Preservation Officer, and the general public.
- B. There were no ex-parte communications.
- C. Commissioner Hernly said he would abstain from Item 6.
- D. There were no Committee Reports.

ITEM NO. 2: CONSENT AGENDA

- A. February 18, 2016, March 24, 2016 and June 16, 2016 Action Summaries
- B. Administrative Approvals
 - 1. DR-16-00181 1220 Oread Avenue/1200 Louisiana Street; City Water Tanks Demolition and New Construction; Certificate of Appropriateness
 - 2. DR-16-00211 1035 Massachusetts Street; Sign Permit; State Law Review, Certificate of Appropriateness, and Downtown Design Guidelines review.
 - 3. DR-16-00230 1200 Oread Avenue; Sign Permit; Certificate of Appropriateness
 - 4. DR-16-00232 1933 Learnard Avenue; Residential Remodel; Certificate of Appropriateness
 - 5. DR-16-00233 810 E 10th St; Sign Permit; Certificate of Appropriateness

ACTION TAKEN

Motioned by Commissioner Buchanan, seconded by Commissioner Arp, to defer the Action Summaries and confirm the Administrative Approvals.

Unanimously approved 5-0.

ITEM NO. 3: PUBLIC COMMENT

There was no public comment.

- ITEM NO. 4:** DR-16-00150 609 New Hampshire Street Demolition; Certificate of Appropriateness Review and Downtown Urban Conservation Overlay District Review. The property is located in the environs of the J. B. Shane Thompson Studio (615 Massachusetts Street), Lawrence Register of Historic Places. It is also located in the Downtown Urban Conservation Overlay District. Submitted by Dolph Simons III on behalf of The World Company, property owner of record.

Deferred

ITEM NO. 5: DR-16-00235 826 Rhode Island Street; Demolition and New Construction; State Law Review. The structure is a non-contributing structure to the North Rhode Island Street Historic Residential District, National Register of Historic Places. Submitted by Paul Werner Architects for James and Doni Slough, the property owners of record.

STAFF PRESENTATION

Ms. Zollner presented the item.

Commissioner Hernly asked if it was previously a triplex.

Ms. Zollner said it was a duplex.

Commissioner Arp asked how staff's recommendation in the staff report translates into a referral to the Architectural Review Committee (ARC).

Ms. Zollner referred him to a portion of the staff report and explained staff's recommendation.

Commissioner Arp asked if changes can be approved administratively or if changes would go to the full Commission.

Ms. Zollner said they should go to the ARC since the changes are not yet before the Commission.

Commissioner Hernly asked if the project would come back to the full Commission after ARC.

Ms. Zollner said yes.

APPLICANT PRESENTATION

Mr. Paul Werner, Paul Werner Architects, said he's not sure they need to go to the ARC and still come back to the full Commission. He mentioned they would add the window as per staff's recommendation. He's not sure that moving the garage one foot, as recommended by staff, is necessary.

Commissioner Hernly and Mr. Werner discussed the revised plans.

No public comment

COMMISSION DISCUSSION

Commissioner Bailey asked if the window can be approved administratively.

Ms. Zollner said they can approve the project with an amendment.

Commissioner Buchanan asked about setting a precedent.

Commissioner Hernly said if they set some parameters for staff then it could be reviewed effectively, and still has the authority to bring back to the commission.

Ms. Zollner said they can't condition the approval, they can only craft an amendment and vote accordingly.

They discussed the footprint and specific plan details.

Commissioner Arp asked if the footprint on the screen was used by staff when creating the staff report.

Ms. Zollner said staff was anticipating this particular plan but it is not the plan used for the staff report. She explained that the current plan shown has not met all of staff's concerns, and while staff doesn't recommend denial, they would like it sent to the ARC.

Commissioner Bailey asked if the applicant would agree to an amendment to add a foot off the garage.

Mr. Werner said he agrees.

Commissioner Arp would like to avoid sending the project to the ARC, adding that an approval should be based on the plans currently presented.

ACTION TAKEN

Commissioner Arp suggested an amendment that the footprint of the house would reflect that of the amended site plan presented this evening, and the garage structure should move 1 ft closer to the alley to be 5 ft away from the alley.

Mr. Werner agreed to that amendment.

Ms. Zollner asked if the amendment includes the revised plans that have not been reviewed.

Commissioner Bailey said yes.

Commissioner Arp asked if that is a minor alteration.

Ms. Zollner said staff would prefer that language be included in the amendment.

ACTION TAKEN

Motioned by Commissioner Arp, seconded by Commissioner Hernly, to approve an amendment to use revised drawings that have not yet been reviewed by staff, that the footprint of the house reflects that of the amended site plan, and the garage structure will move 1 ft closer to the alley to be a total of 5 ft from the alley.

Unanimously approved 5-0.

Motioned by Commissioner Arp, seconded by Commissioner Hernly, to approve the amended project and make the determination that the amended project does not encroach upon, damage, or destroy one or more listed historic properties.

Unanimously approved 5-0.

Motioned by Commissioner Arp, seconded by Commissioner Hernly, to 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.

Unanimously approved 5-0.

ITEM NO. 6: DR-16-00236 and DR-16-00204 637 Tennessee Street; Addition and Parking Pad; State Law Review and Certificate of Appropriateness. The property is a contributing structure to the Old West Lawrence Historic District, National Register of Historic Places. The property is also located in the environs of the Henry Martin House (627 Ohio Street), Lawrence Register of Historic Places. Submitted by Mike Myers of Hernly Associates for Alan Terry and Lydia Diebolt, the property owners of record.

STAFF PRESENTATION

Ms. Zollner presented the item.

Commissioner Arp asked if the project includes the porch and the parking pad.

Ms. Zollner said the Certificate of Appropriateness approval is recommended for both elements, but staff recommends approval under State Law Review for the parking pad only.

APPLICANT PRESENTATION

Mr. Mike Myers, Hernly Architects, explained details of the project.

Commissioner Buchanan asked if the addition can go on the rear.

Mr. Myers said it doesn't make sense to go on the rear, and the only alternative placement would have limited functionality and would destroy the dining room and window seat.

Commissioner Bailey asked if they're increasing the footprint by 30 ft.

Mr. Myers said roughly, yes.

Commissioner Arp asked about the materials.

Mr. Myers said they are clearly differentiated materials but they would still like the addition to blend.

Mr. Alan Terry, property owner, said he is passionate about historic homes and has given the project a significant amount of thought. He discussed the history of the home.

No public comment

COMMISSION DISCUSSION

Commissioner Buchanan feels the secondary entrance is very character-defining.

Commissioner Bailey said the corner porch is definitely character-defining, but the small side porch is not.

Commissioner Buchanan feels it's inappropriate to create an addition that mimics an atrium.

Commissioner Quillin said Standard #4 gives her pause because it's a slippery slope.

Commissioner Buchanan said it's also nationally listed.

Commissioner Bailey said Standard #9 is also tricky but feels they should focus on whether the project damages or destroys.

Commissioner Buchanan doesn't feel this is a "minimal change" to the area.

Commissioner Bailey said the use is not changing.

Commissioner Arp asked if a referral to the ARC would be beneficial.

They discussed the impact of the project and whether a referral to the ARC is appropriate.

Commissioner Arp asked if the consensus is to deny the project.

Commissioner Bailey said he would approve the project. He feels the ARC would be able to define materials.

Commissioner Buchanan said it's not appropriate and she would not approve it.

All Commissioners except Commissioner Bailey feel they could not defend approval of the project.

Mr. Myers said enclosing the porch was palatable if done in a sensitive way, and maybe with help from the ARC they can pull the front wall in and call it an enclosure instead of a replacement.

Ms. Zollner said they did meet and discuss what would be appropriate. She mentioned a similar project at the Castle Tea Room. She reiterated staff's opinion that complete removal of the porch is not appropriate.

They discussed how the removal of stairs makes the project read more like a sun room addition, not a porch, and whether that is deal-breaker.

ACTION TAKEN

Motioned by Commissioner Buchanan, seconded by Commissioner Arp, to deny the addition portion of the project and make the determination that it does 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). Specifically, the project does not meet Standards 1, 2, 4, 6, and 9 based on the information included in the staff report.

Motion carried 4-0-1.

Motioned by Commissioner Buchanan, seconded by Commissioner Arp, to approve the parking pad portion of the project and make the determination that it 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).

Motion carried 4-0-1.

Motioned by Commissioner Buchanan, seconded by Commissioner Quillin, to approve the Certificate of Appropriateness for the proposed project and make the determination that the proposed project has no direct line of site to the listed property and will not significantly encroach on, damage, or destroy the landmark or its environs.

Motion carried 4-0-1.

ITEM NO. 7: DR-16-00237 622 Ohio Street; New Addition; State Law Review and Certificate of Appropriateness. The property is listed as a contributing structure to the Old West Lawrence Historic District, National Register of Historic Places, and is located in the environs of the Henry Martin House (627 Ohio Street), Lawrence Register of Historic Places. Submitted by Lance Adams for Sara Gregg, the property owner of record.

STAFF PRESENTATION

Ms. Zollner presented the item.

APPLICANT PRESENTATION

Mr. Lance Adams, architect, said the homeowner has actually lived in the house since 2012, not 2016. He explained the possibilities they exhausted while considering this project.

Commissioner Buchanan and Mr. Adams discussed details of the project.

No public comment

COMMISSION DISCUSSION

Commissioner Bailey asked staff about the bump out of the porch.

Ms. Zollner said the standards usually speak to wall planes and keeping the addition behind them. She said it's a good argument that the porch extends so far that it won't be as visually harsh as if it was flat with the wall plane.

Commissioner Hernly pondered whether the connecting link is recessed or not. He feels it provides a break between the original and the new structure, and is in favor of allowing it in the project.

ACTION TAKEN

Motioned by Commissioner Arp, seconded by Commissioner Bailey, to approve the project and make the determination that it 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 the amendment of reducing the south elevation of the addition to approximately 2 ½' from the adjacent historic wall plane.

Unanimously approved 5-0

Motioned by Commissioner Arp, seconded by Bailey, to approve the Certificate of Appropriateness and make the determination that the proposed project will not significantly encroach on, damage, or destroy the landmark or its environs and issue the Certificate of Appropriateness for the proposed project.

Unanimously approved 5-0

Motioned by Commissioner Arp, seconded by Commissioner Bailey, to 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.

Unanimously approved 5-0

ITEM NO. 8: DR-16-00238 1208 Kentucky Street; Relocation of Structure and New Construction; Certificate of Appropriateness. The property is located in the environs of South Park, Lawrence Register of Historic Places. Submitted by Sabatini Architecture for the Roman Catholic Archdiocese of KC, the property owners of record.

STAFF PRESENTATION

Ms. Zollner presented the item.

Commissioner Hernly asked if the house to the east is historically listed.

Ms. Zollner said no.

APPLICANT PRESENTATION

Mr. Dan Sabatini, Sabatini Architects, explained the history of the project.

PUBLIC COMMENT

Mr. Dennis Brown, Lawrence Preservation Alliance (LPA), congratulated the parish for their well thought out plan. He said this was a great way for the church to grow.

Ms. Carol VonTersch thanked City staff and parish leaders for their support on the project.

Ms. Beth Annis, Oread Neighborhood, thanked everyone for the support, mentioning no one wanted to see the house torn down.

Ms. Pat Newton, principal of St. John School, explained the history of the two homes, and the importance of keeping them intact.

Fr. Jeff Ernst, pastor of St. John School, thanked the Commission and said they really do need the space for the church and for the community. He said building a regulation size gym helps them compete with other educational institutions and helps to secure the future of the parish and school.

COMMISSION DISCUSSION

Commissioner Hernly said he appreciates that they're moving the house and suggested revising the link between the buildings to provide a little more visual separation.

Mr. Sabatini said they would take a look at it.

ACTION TAKEN

Motioned by Commissioner Arp moved, seconded by Commissioner Hernly, to approve the proposed project and make the determination that it will not significantly encroach on, damage, or destroy the landmarks or their environs and issue the Certificate of Appropriateness for the proposed project.

Unanimously approved 5-0.

ITEM NO. 9: DR-16-00241 846 Pennsylvania Street; Rehabilitation and New Addition; State Law Review and Design Guidelines 8th and Penn Redevelopment Zone review. The property is listed as a contributing structure to the East Lawrence Industrial Historic District, National Register of Historic Places. The property is also located in the 8th and Pennsylvania Urban Conservation Overlay District. Submitted by Scott Trettel for 846 Penn, LLC, the property owner of record.

STAFF PRESENTATION

Ms. Zollner presented the item.

APPLICANT PRESENTATION

Mr. Scott Trettel, owner and occupant, explained the project.

Commissioner Hernly asked about the size, height, and proportions of the south addition.

Mr. Trettel said the height matches the existing structure due to the unique shape, so they are just extending the southern fascia.

Commissioner Hernly asked if the height is driven by the brewing tanks.

Mr. Trettel said they don't need to be that tall but the designers want it to be subservient. He also explained the reason for the proposed width of the addition.

PUBLIC COMMENT

Ms. KT Walsh, Place Keepers and Friends of East 9th Street, said their concern is the angled parking on 8th Street at the north edge of the building due to the East 9th project design.

COMMISSION DISCUSSION

Commissioner Buchanan questioned the brewery use at this location.

Ms. Zollner said it's allowed by zoning as long as they have 55% food sales.

Commissioner Buchanan said the issue is more about noise level and basic operations.

Commissioner Arp asked if that is germane to the tasks of the Commission.

Commissioner Buchanan said the use drives the size of the addition and argued that the use is not appropriate.

Commissioner Arp said he doesn't follow that argument based on the standards they use.

Commissioner Bailey said the applicant could perhaps work on the massing with the ARC.

Commissioner Buchanan asked the applicant how much smaller they are willing to go.

Mr. Trettel said they could change the connection to the pumping station to decrease size.

Commissioner Buchanan asked if the seating for the restaurant could be reduced.

Mr. Trettel said that would be tricky because they are trying to maintain existing openings.

Commissioner Hernly asked about the proposed loading dock door.

Mr. Trettel said that is a garage door, and will not be used for day-to-day deliveries.

Commissioner Hernly said his issue is with the south addition and the way it attaches visually from the outside, which obliterates the quaint feel from the south.

They discussed referring the project to the ARC.

Ms. Zollner said they would need to appoint another temporary ARC member.

ACTION TAKEN

Motioned by Arp, seconded by Bailey, to refer the project to the ARC to create additions to the structure that will be more compatible and to work on the overall design of the southeast addition.

Unanimously approved 5-0.

ITEM NO. 10: DR-16-00248 800 Indiana Street; New Addition and New Accessory Structure; State Law Review. The property is listed as a contributing structure to the Old West Lawrence Historic District, National Register of Historic Places. Submitted by Donna Olson, the property owner of record.

STAFF PRESENTATION

Ms. Zollner presented the item.

Commissioner Arp asked if they are reviewing the interior of the property.

Ms. Zollner said yes.

APPLICANT PRESENTATION

Mr. Rodney Olson, property owner, explained the history and challenges with the property. He asked if staff's concern is that it's listed or contributing.

Ms. Zollner explained that a contributing property to a National Register Historic District is the same as being listed individually in the National Register of Historic Places, and the reviews are interchangeable. The Historic District takes a collection of properties to make an overall unified theme for a district, and the individually eligible properties within the district are considered contributing.

Mr. Olson asked if the listing of the contributing property has not been approved by the National Parks Service.

Ms. Zollner said that is correct, it has been approved by the State Historic Preservation Office so staff makes a determination on a case-by-case basis whether a property is contributing or non-contributing.

Mr. Craig Patterson explained details of the project.

Mr. Olson said they enlisted Mr. Patterson's help in dealing with the property and its challenges as a listed property. He said they are really just adding to the rear of the property which is not highly visible. He further explained details of their request.

PUBLIC COMMENT

Mr. Dennis Brown, LPA, discussed concerns regarding the demolition of old small garages and their replacement structures. He feels the applicant's garage seems structurally sound but functionally obsolete as a garage. He questioned whether this proposal will set a precedent. He said they agree with staff's opinion and recommendation regarding the addition, and feels the project should be denied.

Commissioner Buchanan said the property has somewhat of a third primary façade because it is so visible, and that is character-defining.

Commissioner Bailey asked if the garage can be built that close to the property line.

Mr. Olson said it is not compliant.

Commissioner Hernly said if the garage stayed it would be fine.

Mr. Olson said the garage is not functional. He asked for an explanation of the sliding scale of review from least to most stringent.

Ms. Zollner said the sliding scale is used for the Lawrence Register of Historic Places, not for State Law Review or for properties listed on the National Register.

Commissioner Quillin feels a National Register listing requires a stringent review.

Mr. Olson said he agrees, but the scale reads landmark, key contributing, and then contributing.

Commissioner Buchanan said the sliding scale doesn't affect how the standards are applied.

Mr. Olson asked for further explanation.

Commissioner Bailey said they're not dealing with a local review, so there is no sliding scale.

Mr. Olson said that they weren't aware of the review details until 2:30 pm yesterday.

Commissioner Bailey said that is not typical.

Mr. Olson asked why that information isn't available in local maps.

Commissioner Bailey said it most likely is.

Commissioner Arp said the realtor should have researched that information.

Ms. Zollner said there is usually a disclosure comment if it's a historic property.

Mr. Patterson said if it was listed nationally that might be true, but it's not include in the property description.

Commissioner Bailey said it should have been due diligence on the realtor's part.

Commissioner Buchanan said they could refer to the ARC if they feel comfortable taking on all of the issues.

Commissioner Arp said it wasn't clear whether the applicant wanted to work with the ARC.

Mr. Olson said they've had several meetings with builders and with staff, and after some revisions the guidance they've received back has been obtuse. He'd like to know if some changes will get it approved, and if not, they'll make some minor changes and then just flip the property.

Commissioner Bailey said if it's denied, they could appeal that decision.

Mr. Olson said he believes that process will take several additional months. He feels their situation is rare with a third primary façade, but the other two aren't changing. He said the house needs work because it was not well maintained by the previous owner.

Commissioner Arp said it seems like a lot to take on for the ARC and that's probably not a good option for the applicant either. He feels a denial will be best for both parties.

Mr. Olson expressed frustration with what he feels has been a lack of feedback on the proposal.

Commissioner Buchanan said it's a line of sight issue.

Commissioner Arp said it's just so highly visible on three sides.

Mr. Patterson said there have been numerous similar projects proposed that have been approved. He asked commissioners to clarify their opinion on the project.

Commissioner Buchanan referenced a previous project at 603 Ohio Street with three primary facades that came up with design solutions that meet the standards.

Mr. Olson asked how it's possible to add on without destroying the line of sight.

Commissioner Hernly said it makes sense to consider putting the master suite on top of the garage and reduce the impact the addition. He explained a design solution they used on the project at 1106 Rhode Island Street.

Mr. Olson asked about the appeal process.

Ms. Zollner explained the process.

Mr. Patterson asked if it's the suggestion of the Commission that the ARC should not get involved.

Commissioner Buchanan said the recommendation is to either work with the ARC or deny the project.

Mr. Olson said he's only interested in working with the ARC if they can achieve most of their current proposal.

Commissioner Arp said he feels that might be difficult.

Mr. Olson asked who is on the ARC.

Commissioner Arp said he and Commissioner Hernly are the only members currently, in addition to staff.

COMMISSION DISCUSSION

They discussed their options for taking action.

Ms. Zollner suggested they could also defer the item which would provide the applicant time to come back with a redesign.

Mr. Olson asked if they need to come before the HRC if they just clean up the house and do nothing to the exterior.

Commissioner Bailey said no, as long as they're not pulling a permit for anything.

Mr. Olson said he's interested in deferring.

ACTION TAKEN

Motioned by Commissioner Bailey, seconded by Commissioner Hernly, to defer the item.

Unanimously approved 5-0.

ITEM NO. 11: DR-16-00240 742 Indiana Street; Interior Remodel and Garage Addition; State Law Review. The property is listed as a contributing structure to the Old West Lawrence Historic District, National Register of Historic Places. Submitted by Sabatini Architects for Rockchalk K-Tex Investments LP, the property owner of record.

STAFF PRESENTATION

Ms. Zollner presented the item.

APPLICANT PRESENTATION

Mr. Dan Sabatini explained the scope and reason for the project.

PUBLIC COMMENT

Mr. Dennis Brown said he wants to make sure the demolition of a perfectly good garage is for good reason. He questioned whether this would be approved if it was a small home, and suggested deferral.

COMMISSION DISCUSSION

Commissioner Hernly asked if they are reviewing modifications to the house.

Ms. Zollner said there are some simple interior modifications.

Commissioner Hernly said the original form of the one story garage is lost in this proposal.

Commissioner Buchanan said the chimney does stand out and you don't see that in the district.

Commissioner Arp feels Mr. Brown brings up a good point as to whether they're being consistent with accessory structures. He said he's fine with sending the project to the ARC. He asked if there is any reason to try and save the historic structure with the proposal.

Ms. Zollner said the project does preserve some of the historic material but not all of it.

PUBLIC COMMENT

Mr. Cole Richey, future property owner, explained his intent with the addition and keeping the walls of the existing garage.

Commissioner Hernly said he likes the idea of keeping the original garage but would look favorably on a two story addition right beside it.

Mr. Sabatini said they looked at that option but the new addition would dwarf the original garage.

Commissioner Bailey said he's inclined to approve it.

Commissioner Quillin agreed.

Commissioner Buchanan said she'd rather send it to ARC or defer it.

Commissioner Arp said he's leaning toward approving the project.

ACTION TAKEN

Motioned by Commissioner Bailey, seconded by Commissioner Arp, to approve the proposed project and make the determination that the proposed 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).

Unanimously approved 5-0

Motioned by Commissioner Bailey, seconded by Commissioner Arp, to 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.

Unanimously approved 5-0.

ITEM NO. 12: MISCELLANEOUS MATTERS

- A. Provide comment on Zoning Amendments, Special Use Permits, and Zoning Variances received since June 16, 2016.
- B. Review of any demolition permits received since June 16, 2016.no
- C. Miscellaneous matters from City staff and Commission members.

Commissioner Bailey asked why public comment was moved to the beginning of the agenda.

Ms. Zollner explained the reason. She also mentioned upcoming training.

They agreed on a Saturday morning training session for three to four hours.

ADJOURN 10:50 PM