

**HISTORIC RESOURCES COMMISSION
AGENDA MEETING SEPTEMBER 26, 2013 6:30 PM
ACTION SUMMARY**

Commissioners present: Foster, Hernly, Quillin, Tuttle, Williams
Commissioners excused: Arp
Staff present: Braddock Zollner, Ewert

ITEM NO. 1: ACTION SUMMARY

Deferred Action Summary from the August 15, 2013 meeting.

ITEM NO. 2: COMMUNICATIONS

Receive communications from other commissions, State Historic Preservation Officer, and the general public:

Ms. Zollner said there was one communication from the Barker neighborhood regarding Item 3.

Declaration of abstentions from specific agenda items by commissioners:

Commissioner Williams said he had a family member that was listed as one of property owners of 1846 Massachusetts St so he would abstain from Item 3.

Commissioner Hernly said a client of his, Cottins Hardware, was a neighbor of Kwik Shop, and he had submitted a site plan to the City for a separate project.

Commissioner Quillin said she was a resident of the Barker neighborhood but was not a dues paying member of the neighborhood association.

ITEM NO. 3: DR-1-16-12 1846 Massachusetts Street; Demolition and New Construction; Certificate of Appropriateness Review. The property is located in the environs of Fire Station #2 (1839 Massachusetts). Submitted by Kwik Shop, Inc., on behalf of Jane C Cooper, Trustee, the property owner of record.

STAFF PRESENTATION

Ms. Lynne Braddock Zollner presented the item.

APPLICANT PRESENTATION

Mr. Todd Mills, Kwik Shop, was present for questioning.

Commissioner Foster asked the applicant what had been done with the design to respond to the site being within the environs of a historic structure.

Mr. Jeff Weiford, GLMV Architecture, said the new elevations had a little more detail and variations in the exterior elevations than what was presented a year ago. He said the base was going to be a painted split faced block but the revised project would not have any paint on the masonry itself. He said he agreed with the staff recommendation to provide a stronger base

element to the front elevation so they were considering taking the earth tone masonry color and bringing that to serve as the base below the store front.

Commissioner Foster inquired about the front canopy fasciae above the storefront.

Mr. Weiford said staff offered three suggestions to address the scale and the most appealing option was the stronger base element.

Commissioner Hernly asked if the site plan submitted was compliant to the Land Development Code.

Mr. Bob Koopman, Professional Engineering Consultants, said the project would be seen by the Board of Zoning Appeals next Thursday to request several minor variances.

Commissioner Hernly asked Mr. Koopman to explain the variances being requested.

Mr. Koopman said on the south side of the property adjacent to 19th Street there was a requirement for 15' of landscaping across the south side. He said it was split in two places on the eastern side of the site. He said on the west side, adjacent to the canopy, there was 3-4' so a side lot yard variance was being requested. He said they were asking for a small variance for the lot coverage of greenspace. He said they were requesting a variance on landscaping along 19th Street and Massachusetts Street but that they tried to increase some of the bushes and shrubbery in the landscape plan to compensate.

Commissioner Hernly asked what the current paving setback was along 19th Street.

Mr. Koopman said he did not know offhand.

Commissioner Foster said the photometric study didn't look like it was reaching zero foot candles at the property line. He believed that was a Code requirement and encouraged the applicant and staff to review that. He suggested the applicant take a good long look at Dillions if the Kwik Shop goes to the Architectural Review Committee.

Commissioner Hernly said the site plan in the packet showed cars at the gas canopy along with stacked cars. He said the layout dimensions show an 18' drive width that wraps around south and west side of the cars parked at the canopy. He wondered if that was intended to be a two-way drive.

Mr. Mills said it was intended for as much circulation as there can be at the site. He said they wanted truck traffic to be able to navigate in and around the site and canopy.

Commissioner Hernly asked if a two-way drive would be required.

Ms. Zollner said she would have to check with Ms. Mary Miller who was the Planner reviewing the site plan.

Commissioner Hernly said this morning he got gas at a different location and there was a lot of space to get around the canopy. He said it was easy to get around that site but difficult to get off the site. He said at this Kwik Shop he could envision cars stacked up and not being able to get around and off the site.

Mr. Koopman said he talked to staff about widening that to 24' but that would have required a variance along Massachusetts Street, which was not encouraged by staff.

Commissioner Hernly asked Ms. Zollner to check on that for issue sure. He said this was a busy location already with two gas pumps and the proposal was for three times the number of vehicles coming in and out. He felt the circulation on the site seemed to be an issue.

Mr. Mills said a third party market study was done for the site addressing overall impacts of the surrounding area. He said based on the projections of how much fuel that was actually projected on the site they added more dispensers to accommodate the additional traffic for that very reason. He said based on the projections and what each dispenser could physically do on a per week basis Kwik Shop was not at capacity and had room to grow.

Commissioner Hernly asked if Kwik Shop was required to have stacking.

Mr. Mills said that was correct.

Commissioner Hernly asked why Kwik Shop was proposing six fueling stations if they did not think they would have enough cars for six fueling stations.

Mr. Mills said it was a matter of customer service and convenience so cars could get in and out of the site freely. He felt only four dispensers would create a bottleneck since the site would be over the four dispenser capacity.

PUBLIC COMMENT

Ms. Lisa Harris, Barker Neighborhood Association, expressed concern about the size and scale of the project, as well as the material and design of the structure. She said the design was not compatible with the size, scale, and character of the neighborhood or environs. She said Barker neighborhood was mostly residential and the proposed project was not neighborhood scale. She thought the property was designed to be too dense for the site. She referenced the truck movement picture from the packet and said it showed the pumps but not the stacking positions for the vehicles or vehicles at the pump. She said the parking spaces in the loading area could not be used when a truck was there. She stated Dillons also showed truck movement pictures using the same software and the software assumed the truck drivers were perfect drivers. She said there had been problems with the loading area of Dillons and truck drivers not being able to properly maneuver resulting in property damage. She said the neighborhood was not opposed to Kwik Shop increasing the number of pumps but were opposed to it being increased to six pumps. She said four pumps may be a better option. She agreed with the staff recommendation regarding the design of the structure and felt it should be looked at by the Architectural Review Committee. She said she would prefer the business did not have access from the back to avoid commercial activity on a residential street. She requested Historic Resources Commission deny the certificate of appropriateness based on standard 9 because it was not the appropriate size or scale for the neighborhood or historic property. She asked that the design be modified if the project proceeded.

Commissioner Hernly asked Ms. Harris what the Barker neighborhood position was on the orientation and location of the building toward the east and the canopy toward the west.

Ms. Harris said it was a good compromise for keeping the most intense level of activity toward Massachusetts Street. She said if there was no access from the back of the store it would keep

the residential side quiet like it was now. She said it would be nice for the store to be up toward the front of the street and pumps behind but it would not be good for the neighborhood.

Mr. Bob Gent, 1801 Barker Ave, said the neighborhood was negatively impacted by the development and current truck traffic associated with Dillons. He said the way Kwik Shop was being planned was not being sensitive to the needs of the neighborhood. He felt Kwik Shop would add to the commercial nature of New Hampshire Street. He said he would prefer to look at the back of the store on New Hampshire Street. He said he regularly hears gun shots coming from Kwik Shop. He was concerned about the negative impact that a larger footprint would bring to the neighborhood.

Mr. Michael Amick, 1846 New Hampshire, said he lived directly behind the Kwik Shop. He said the vacant green lot behind the store would be missed. He said he never gets gas there because of the cramped site and felt increased traffic would only further that situation. He felt traffic was already too congested at 19th & Massachusetts St, as well as New Hampshire Street and the alley way. He felt it was dangerous for his children to play in the driveway with all the traffic. He said traffic also cuts through the On The Rocks parking lot to avoid the 19th & Massachusetts St intersection. He expressed concern about the curb cut to allow trash pickup and the increase in traffic noise. He agreed with the Barker Neighborhood Association comments about the design. He was also concerned about the amount of light coming from the property, landscaping, and foot traffic.

Ms. Linda Cottin, owner of Cottin's Hardware at 1832 Massachusetts St, said she was excited about the potential updates and improvements to the current Kwik Shop site and looked forward to a project that spoke clearly to the business needs and the neighboring environs of the historic neighborhood. She said Cottin's Hardware was currently working on a site plan to make changes to their site that would directly affect some of the decisions the Historic Resources Commission was being asked to make tonight. She said Cottin's Hardware would be installing a 6' wrought iron fence that would run along the south property line. She said the plan required them to permanently abandon the customer parking spaces along the south side of the building and eliminate the curb cut and vehicle access to Cottin's Hardware from the existing Massachusetts Street entrance. She said she was doing this because of the current state of congestions and dangerous situation created by the increased traffic at the Kwik Shop. She said Kwik Shop indicated they would be willing to continue the fence along the property line to the eastern right-of-way using the same wrought iron fence. She requested the changes be included in the Historic Resources Commission requirements for the project. She said the overall scale of the proposed project of 6 pumps/12 pumping stations was too large. She said Kwik Shop was attempting to maximize the use of the space at the expense of realistic site constraints and the historic environs. She said the number of vehicles presently using the site was difficult and dangerous and that if the number of pumps was tripled so would the number of vehicles. She said the current design was completely inappropriate in scale and completely incompatible aesthetically for a historic neighborhood corner that was the gateway to downtown.

Ms. KT Walsh, East Lawrence Neighborhood Association, said the neighborhood association voted to support the Barker Neighborhood Association's comments and suggestions. She said Kwik Shop needed to bring the scale and size down to the neighborhood level, as well as some changes to the design. She said the neighborhood would prefer to see a four pump station and no back door to the store. She hoped the project would go to the Architectural Review Committee to help with the design problems. She also hoped Kwik Shop was as community minded as Cottin's had been over the years in contributing to the community.

APPLICANT CLOSING COMMENT

Mr. Mills said regarding the New Hampshire Street entrance staff requested that entrance to be included, which was why the sidewalk was behind the store.

Commissioner Foster asked staff to respond.

Ms. Zollner said the City was trying to encourage pedestrian oriented connectivity to neighborhoods. She said the thought behind having the entrance on New Hampshire Street was to try to connect the store with the neighborhood.

Mr. Mills said the placement of the dumpsters on the New Hampshire Street side was requested by the City.

Commissioner Hernly asked if any businesses had trash picked up from New Hampshire Street.

Ms. Zollner said the trash service for Dillons was off of New Hampshire Street.

Mr. Mills said Kwik Shop provides customer service and safety was one of their key factors. He said Ms. Cottin's statement that Kwik Shop was maximizing the amount of space was not an accurate statement. He said the truck turning radius was a conservative approach to how truck drivers would navigate per what the software says. He said Kwik Shop had the ability to tell truck drivers when to show up onsite so there could be nightly deliveries of fuel to alleviate traffic buildup issues. He said deliveries would be staggered. He said a traffic impact study was conducted for the 19th & Massachusetts intersection and surrounding area. He said the City agreed with the findings of the traffic impact study. He said regarding light projection they would take into consideration the photometric plan and attempt to mitigate the light projection. He said the new wrought iron fence that Cottin's Hardware was proposing could lead to increased traffic on New Hampshire Street. He said in order to make a profit at the site the proposed development included 6 pumps.

Commissioner Foster inquired about employee parking.

Mr. Mills said there would be two associates during the day and they would park at the rear of the truck dock.

Mr. Gent said Kwik Shop did not know how to run their business very well if they had to have 6 pumps in order to make their business modal work.

Ms. Cottin said the traffic impact study was done with the assumption the entrance off of Massachusetts Street would be a two way entrance. She said the Cottin's Hardware customers use the New Hampshire Street entrance and that 90% of the cars parked on the side of Cottin's were Kwik Shop customers. She wondered if the Kwik Shop delivery trucks would be able to enter the site once the new curb was installed.

Mr. Mills said the City advised Kwik Shop that they did not have any problem with the Cottin's entrance being blocked off on Massachusetts Street and that the City would work with Kwik Shop to allow an increase in space on the Kwik Shop side.

Mr. Koopman said 24' was the minimum drive width.

Commissioner Hernly inquired about the entrance drive off of 19th Street that was 36' wide. He wondered if Kwik Shop would want a wider entrance on Massachusetts Street.

Mr. Koopman said 36' was a little wider than what would have normally been requested. He said the entrance off of Massachusetts Street needed to be re-worked now that Cottin's had submitted a site plan to request closing their portion of the drive. He said Kwik Shop would be doing some additional truck turning radius movements to see if 24' would be adequate or whether they needed to work with staff to increase it to some other width.

Mr. Mills said Kwik Shop was okay with the Massachusetts Street entrance width of 24' and were not requesting it to be wider.

Ms. Harris said the traffic studies were conducted during the summer when KU and school were not in session. She said intersection counts were done in 2012 and she thought new counts had been collected in September of 2013 but the results had not been made public yet. She said Kwik Shop did the projections for traffic counts in the area based on averages from research rather than the actual counts taken from the site. She said if they had used the actual counts they would have had higher traffic count numbers.

Mr. Koopman said when he met with the neighborhood a few weeks ago they raised concerns about the traffic counts being done during the summer months. He said he discussed that with staff. He said the traffic study took that into account and increased the number to take into account it was summer not school year months. He said the City Traffic Engineer, Mr. Dave Cronin, reviewed it and accepted the methodology that was used for the traffic study.

COMMISSION DISCUSSION

Commissioner Foster inquired about Historic Resources Commission reviewing something that would also be reviewed by the Board of Zoning Appeals. He felt it would be helpful to have the Board of Zoning Appeals outcome first. He felt they should encourage the Board of Zoning Appeals to not grant any appeals.

Commissioner Hernly said Historic Resources Commission needed to look at the project in terms of the 9 criteria. He felt the scale did not fit with criteria 1 and 2. He said the configuration changed the character of the site and impacted the environs of the historic structure across the street.

Commissioner Tuttle felt that having multiple boards, Board of Zoning Appeals and Historic Resources Commission, piecemeal the issues would not result in the best design or workable solution for the greatest number of people. She felt it would be a different conversation if the Barker Neighborhood was a protected neighborhood.

Commissioner Hernly asked Ms. Zoller about the application of criteria 1 and 2.

Ms. Zollner said it included the environs in the statement. She said staff's greatest concern was the sliding scale for certificate of appropriateness. She cautioned them to be sure to make the identifications clear as to how it encroaches upon the Fire Station building.

Commissioner Foster felt a lot of architectural work needed to be done and should be reviewed by the Architectural Review Committee. He wanted to encourage the Board of Zoning Appeals to not grant any variances.

Commissioner Hernly felt the loss of greenspace and increased traffic would have a negative impact on the historic structure across the street.

Commissioner Foster expressed concern about the disconnect between Historic Resources Commission and the Board of Zoning Appeals.

Commissioner Hernly said in theory they could approve something that may not be approved by the Board of Zoning Appeals.

ACTION TAKEN

Motioned by Commissioner Foster, seconded by Commissioner Tuttle, to direct staff to send a communication to the Board of Zoning Appeals that Historic Resources Commission was concerned about the reduction of setbacks and would discourage any variances from the City Code.

Motion carried 4-0-1, with Commissioner Williams abstaining.

Commissioner Foster felt the item should be sent to the Architectural Review Committee once there was clear direction.

Commissioner Tuttle felt that referring a site plan to the Architectural Review Commission exceeded the powers delegated to Historic Resources Commission. She said she felt hamstrung by the standard for review that was forced on them by the situation.

Commissioner Hernly said he kept coming back to criteria 1. He said the proposal needed to make a reasonable effort to provide a compatible use. He felt it was not compatible because it was too intense and needed variances in order to fit.

Commissioner Quillin feel if this was an environs review of the neighborhood the outcome would be different.

Commissioner Tuttle said it would be hard for her to articulate for the City Commission exactly how it significantly encroached upon the Fire Station in a way the current Kwik Shop did not.

Motioned by Commissioner Foster, seconded by Commissioner Tuttle, to approve the proposed project and make the determination that the proposed project does not encroach upon, damage, or destroy the environs of the listed historic property with the following revisions:

1. The applicant work with the Architecture Review Committee to improve the overall compatibility of the building.
2. Final construction documents with material notations will be reviewed and approved by the Historic Resources Administrator prior to the release of the demolition and building permit.
3. Any changes to the approved project will be submitted to the Historic Resources Administrator prior to the commencement of any related work.

Commissioner Hernly felt it would not destroy the environs of the Fire Station but did encroach and damage the environs because of the increased amount of traffic, increased fueling stations, and loss of greenspace.

Motion carried 3-1-1, with Commissioner Hernly voting in opposition and Commissioner Williams abstaining.

ITEM NO. 4: MISCELLANEOUS MATTERS

A. Provide comment on Board of Zoning Appeals applications received since August 15, 2013.

Ms. Zollner said there were no other applications received other than Kwik Shop letter that would be sent to the Board of Zoning Appeals.

B. No demolition permits received since the August 15, 2013 meeting.

C. Review of Administrative and Architectural Review Committee approvals since August 15, 2013:

Commissioner Foster said the Architectural Review Committee met and discussed different patterns of clay as well as the parking garage.

Commissioner Hernly inquired about what type of elevator the Toy Store was installing.

Ms. Zollner said she was unsure of the size and that it was all interior work.

Administrative Reviews

DR-13-00289 1908 Barker Ave; Residential Remodel; Certificate of Appropriateness Review. The property is located in the environs of the William S. Burroughs House (1927 Learnard Ave), Lawrence Register of Historic Places. Submitted by Owen Lehman, on behalf of Fredrick Rose, the property owner of record.

DR-12-00292 1047 Massachusetts Street; Sign Permit; State Preservation Law Review and Downtown Urban Conservation Overlay District Review. The property is listed in the National Register of Historic Places and is located in the Downtown Conservation Overlay District. Submitted by Lawrence Sign Up, on behalf of the Douglas County Historical Society, the property owner of record.

DR-13-00293 402 N 2nd Street; Temporary Sculpture Installation; State Preservation Law Review. The property is listed in the Register of Historic Kansas Places. Submitted by American Fallen Warriors Memorial on behalf of the City of Lawrence, property owner of record.

DR-13-00294 745 New Hampshire Street; Sign Permit; State Preservation Law Review and Downtown Urban Conservation Overlay District Review. The property is a contributing structure to Lawrence's Downtown Historic District, National Register of Historic Places and is located in the Downtown Urban Conservation Overlay District. Submitted by Star Signs for Peoples Bank on behalf of Central Management LLC, the property owner of record.

DR-13-00295 936 Massachusetts Street; Commercial Remodel; State Preservation Law Review, Certificate of Appropriateness Review and Downtown Urban Conservation Overlay District Review. The property is listed as a contributing structure to Lawrence's Downtown Historic District, National Register of

Historic Places. The property is also located in the environs of the Hanna Building (933 Massachusetts) and is located in the Downtown Urban Conservation Overlay District. Submitted by Gregory Randel for Toy Stores Real Estate LLC, the property owner of record.

- DR-13-00300** 1420 Crescent Road; Mechanical Permit; Certificate of Appropriateness Review. The property is located in the environs of the Fernand Strong House (1515 University Drive), Lawrence Register of Historic Places. Submitted by Niehoff/Dunco Heating and Cooling on behalf of BPM Properties LLC, the property owner of record.
- DR-13-00306** 922 Massachusetts Street; Commercial Remodel; State Preservation Law Review. The property is listed as a contributing structure to Lawrence's Downtown Historic District, National Register of Historic Places. Submitted by Matt Brane on behalf of Terra Firma Ltd, the property owner of record.
- DR-13-00308** 804 Pennsylvania Street; Rezoning; State Preservation Law Review and 8th & Pennsylvania Urban Conservation Overlay District Review. The property is listed as a contributing structure to the East Lawrence Industrial Historic District and is located in the 8th and Pennsylvania Urban Conservation Overlay District. Submitted by Darron Ammann of Bartlett & West on behalf of Ohio Mortgage Investors LLC, the property owner of record.
- DR-13-00310** 125 E 10th Street; Sign Permit; Certificate of Appropriateness Review and Downtown Urban Conservation Overlay District Review. The property is located in the environs of the Shalor Eldridge Residence (945 Rhode Island), Lawrence Register of Historic Places. The property is also located in the Downtown Urban Conservation Overlay District. Submitted by Lawrence Sign Up for Ramen Bowls on behalf of Berkeley Plaza Inc., the property owner of record.
- DR-13-00313** 745 New Hampshire Street; Sign Permit; State Preservation Law Review and Downtown Conservation Overlay District Review. The property is listed as a contributing structure to Lawrence's Downtown Historic District, National Register of Historic Places. The property is also located in the Downtown Urban Conservation Overlay District. Submitted by Full Bright Sign & Lighting for Sandbar Subs on behalf of Central Management LLC, the property owner of record.
- DR-13-00323** 746 Massachusetts Street; Sign Permit; State Preservation Law Review, Certificate of Appropriateness Review and Downtown Urban Conservation Overlay District Review. The property is listed as a contributing structure to Lawrence's Downtown Historic District, National Register of Historic Places and is located in the environs of the House Building (729 Massachusetts) and Miller's Hall (723-725 Massachusetts), Lawrence Register of Historic Places. The property is also located in the Downtown Urban Conservation Overlay District. Submitted by Schurle Signs for Merchants Pub & Plate on behalf of Caspian Group LC, the property owner of record.
- DR-13-00325** 804 Pennsylvania Street; Rehabilitation and Site Plan; State Preservation Law Review and 8th & Pennsylvania Urban Conservation Overlay District Review.

The property is listed as a contributing structure to the East Lawrence Industrial Historic District and is located in the 8th and Pennsylvania Urban Conservation Overlay District. Submitted by Mike Myers of Hernly Associates on behalf of Ohio Mortgage Investors LLC, the property owner of record.

Commissioner Hernly said he would have to recuse himself from the projects at 804 Pennsylvania Street (DR-13-00325) and 125 E 10th Street (DR-13-00310) since his firm was the applicant.

Motioned by Commissioner Foster, seconded by Commissioner Tuttle, to affirm all of the Administrative Reviews, except DR-13-00325 & DR-13-00310.

Motion carried 5-0.

Motioned by Commissioner Foster, seconded by Commissioner Tuttle, to affirm Administrative Reviews DR-13-00325 & DR-13-00310.

Motion carried 4-0-1, with Commissioner Hernly abstaining.

D. General public comment.

Ms. KT Walsh asked if the new wood shingle material, accoya, had been approved by the State.

Ms. Zollner said she was not sure.

Ms. Walsh invited everyone to the East Lawrence annual party at Hobbs Park from 5:00pm-9:00pm on Saturday.

Commissioner Tuttle asked for an update on the status of the City's project of outreach to property owners.

Ms. Zollner said staff was still working on it.

Commissioner Hernly asked when the local register properties would go to City Commission.

Ms. Zollner said she was still working on the reports but that they should go to the City Commission in a few months.

Ms. Betty Alderson expressed concern about approving projects that had not gone through all the preliminary stages yet. She asked why they did not defer the Kwik Shop item until after the Board of Zoning Appeals meeting.

Commissioner Tuttle said the project had already been deferred once.

Commissioner Foster said he did not feel the number of pumps and some of the specifics of the site crossed the line from a Historic Resources Commission perspective.

Ms. Alderson encouraged Kwik Shop to conduct another traffic impact study.

E. Miscellaneous matters from City staff and Commission members.

Ms. Zollner asked if staff could approve vinyl windows in the environs of locally listed properties looking at the sliding scale. She showed them an example of a vinyl window.

Commissioner Foster asked if staff liked the vinyl window.

Ms. Zollner said it was better than the vinyl windows that used to be seen. She said it had a little bit of a profile change.

Commissioner Hernly said it may depend on the project.

Commissioner Quillin asked if applicants would be required to use this brand of vinyl window.

Ms. Zollner said no, just this type, not this brand.

Commissioner Foster requested a cut sheet that would show the new window with the previous window.

Commissioner Tuttle asked if the vinyl windows would apply to houses in the environs of locally listed properties.

Ms. Zollner said that was correct.

Commissioner Foster said he was okay with using this as a test case before they make a policy change.

The rest of the Commissioners nodded their heads in agreement.

ADJOURN 9:00 p.m.