

**HISTORIC RESOURCES COMMISSION
AGENDA MEETING- JANUARY 21ST 2010--6:30 PM
ACTION SUMMARY**

Commissioners present: Wiechert, Sizemore, Meyer, Marvin, Antle, Williams
Commissioners excused: Veatch
Staff present: Braddock Zollner, McCullough, Leininger, Kirchhoff, Parker

ITEM NO. 1: ACTION SUMMARY

ACTION TAKEN

Motioned by Commissioner Wiechert, seconded by Commissioner Marvin, to approve the December 17th, 2009 Action Summary.

Motion carried unanimously, 6-0

ACTION TAKEN

Motioned by Commissioner Marvin, seconded by Commissioner Wiechert, to approve the November 19th, 2009 Action Summary.

Motion carried unanimously, 6-0

ITEM NO. 2: COMMUNICATIONS

- a) Ms. Braddock Zollner presented the Commissioners with communications from Mr. Grauerholz.
- b) No declaration of abstentions from agenda items by commissioners.

ITEM NO. 3: Oread Neighborhood Plan

Ms. Leininger presented the item.

Commissioner Marvin asked Ms. Leininger to define the terms development and redevelopment.

Ms. Leininger explained both terms to the Commission.

Commissioner Marvin asked Ms. Leininger why there was no mention of the stadium being adjacent to the neighborhood.

Commissioner Wiechert asked Ms. Leininger why Indiana Street was identified as a local street and not a major entryway into campus.

Ms. Leininger said the map showed the current classifications defined by the Public Works Department.

PUBLIC COMMENT

Dennis Brown, Lawrence Preservation Alliance, asked the Commission to change the following in the draft Oread Plan: page 1-9: change the phrase 'hotel uses' to 'a hotel'. Page 3-2 section h: change to 'support new mixed and light commercial uses if they are determined to not be detrimental to existing downtown commercial uses'. Page 3.1.1: change to 'some down zoning in targeted areas may be necessary to encourage more owner occupants to locate in the neighborhood'. Page 3-7b-1: change to 'implement programs such as the neighborhood revitalization program'. He said the goals in the plan strongly state increasing family dwelling owner occupancy. He said the actions to achieve the goals were not nearly as strong.

Candice Davis stated she had worked a long time on the plan and the purpose of the Historic Resources Commission was historic preservation. She said the Oread neighborhood had the greatest concentration of single dwelling units that were historic in nature and approximately 1/3 dwelling units in the neighborhood were single dwelling units. Ms. Davis said boarding houses were the single biggest threat to single dwelling units in the neighborhood and the size of boarding houses had been incentivized by a lower parking regulation. Ms. Davis said she would like to see boarding houses only considered for the extremely large homes and she asked the board to look further into the issue.

KT Walsh, East Lawrence Association representative, stated she wanted to underline everything Ms. Davis stated.

COMMISSION DISCUSSION

Commissioner Antle asked Ms. Braddock Zollner to explain congregate living.

Ms. Braddock Zollner said the term congregate living was used in the Building Code and the term Boarding House was used in the Development Code. Proposed amendments to the Development Code would change the term Boarding House to Congregate Living.

Ms. Leininger said comments were welcome from the Commission. She said Mr. Brown's suggested changes on page 3.1.1 were specifically taken out of the draft plan because it would be difficult to move forward with the type of action. She said zoning districts were city wide and some of the issues the Oread Neighborhood had were specific to the neighborhood.

Commissioner Marvin said the suggested change back should be mentioned as a tool available.

Mr. McCullough, Planning Director, said Mr. Brown's first two suggested changes were simple changes. He said there had been much discussion regarding down zoning parts of the Oread neighborhood and the current proposal was a compromise from language of down zoning. He said a significant part of the area was an investment area and down zoning was not a reasonable idea. Mr. McCullough said the revitalization plan was in an exploration stage.

Commissioner Marvin said the recommended discussion.

Mr. McCullough said the plan took months and months to develop and down zoning had been discussed to some extent. He said there were other tools to be used to gain the same outcome of down zoning.

Mr. Brown said he was not clear on the discussion of commercial uses. He said the Lawrence Preservation Alliance was concerned with the mixed use area because there was the potential for a lot of commercial uses.

Carol von Tersch, 706 west 12th street, stated the boarding house designation in the old code should have been changed thirty years ago. She said single dwelling units that were being converted to boarding houses can have six or more occupants and under the current code if the homes were not designated as boarding houses the maximum occupants was four. She said one of the biggest threats to preserving the character of the Oread neighborhood is the existence of boarding houses.

Commissioner Antle said the tough decision was being put off until the overlay district was dealt with. He said he was inclined to support both staff recommendation and the Lawrence Preservation Alliance position.

Mr. McCullough said the term down zoning was introduced in the plan and had been stricken as the plan was being developed.

Commissioner Williams said a lot of landlords in the neighborhood believed the economic viability of the homes they owned would be threatened by down zoning. He said renovators point out the economical viability of the work they provide.

Commissioner Antle said the exterior of the boarding house could look gorgeous but would still not be owner occupied.

Commissioner Williams said if other codes were in place there could be a compromise.

Mr. McCullough said rental registration would maintain the character of homes. He said a text amendment was initiated last year to review the boarding house code standards and at the same time the draft Oread Neighborhood Plan was initiated. He said the Planning Commission made the decision to forward the draft to the City Commission. Mr. McCullough said the policy regarding boarding houses would be determined by the City Commission fairly soon or returned to the Planning Commission for further discussion.

Commissioner Marvin asked how a neighborhood plan was intended to function.

Ms. Leininger said neighborhood and sector plans would be incorporated into the comprehensive plan. She said the plan was not a code document.

Commissioner Marvin asked if the document was binding.

Ms. Leininger said the document was a recommended plan and there was no legal binding to it.

Betty Alderson said she did not live in the Oread neighborhood. She said people other than investors should be considered and asked who would protect the homeowner occupant. She said boarding houses may look ok on the outside but some of the houses were used up and they could not be sold to a single family.

Commissioner Sizemore said he was comfortable with all recommendations except for the zoning. He said he felt comfortable with overlay districts and neighborhood designs.

ACTION TAKEN

Motioned by Commissioner Sizemore, seconded by Commissioner Antle, to approve the Oread Neighborhood Plan with Staffs suggested changes, as well as the recommended changes from the Lawrence Preservation Alliance, with the exception of the zoning recommendation.

Motion carried unanimously, 6-0

ITEM NO. 4: DR-8-98-09 423 E 19th Street; New Construction; Certificate of Appropriateness Review. The structure is located in the environs of the Zinn-Burroughs House (1927 Learnard), Lawrence Register of Historic Places. Submitted by Tim Windholz for Wendy Stauffer, Jennifer Hemphill, Jill Windholz and Carolyn Hemphill, the property owners of record.

ITEM NO. 5: DR-8-99-09 1926 Learnard Avenue; New Construction; Certificate of Appropriateness Review. The structure is located in the environs of the Zinn-Burroughs House (1927 Learnard), Lawrence Register of Historic Places. Submitted by Tim Windholz for Wendy Stauffer, Jennifer Hemphill, Jill Windholz and Carolyn Hemphill, the property owners of record.

STAFF PRESENTATION

Ms. Braddock Zollner presented Item 4 and Item 5 together.

APPLICANT PRESENTATION

Tim Windholz was present and stated he was available for questions.

PUBLIC COMMENT

James Grauerholtz said he looked back four or five years at the Architectural Review Committee projects and did not find a single case where an applicant stated they would not make any changes as suggested by the Architectural Review Committee. He said the project had been approved with the condition the applicant work with the Architectural Review Committee. He said Staff stated the project was not compatible and it would change the relationship of the environs and the parking would change the relationship of the environs. Mr. Grauerholtz urged the Commission to suggest the applicant try and work with the Architectural Review Committee again or deny the project. Mr. Grauerholtz presented photos of the Zinn-Burroughs House in connection with 423 East 19th Street.

COMMISSION DISCUSSION

Commissioner Wiechert said the Architectural Review Committee recommended the structure be rotated parallel to the south property line. He said there had not been a plan received that would indicate the structure had been rotated.

Commissioner Williams asked the applicant why a drawing had not been submitted with the rotated structure.

Mr. Windholz stated he investigated several options for the structure.

Commissioner Sizemore said the applicant had a concern emergency staff would not be able to see the structure if it were more parallel to the south property line.

Ms. Braddock Zollner said the applicant had submitted two additional drawings for the second Architectural Review Committee. She said the landscaping could be added to screen the parking area.

Commissioner Meyer said landscaping would not hide the parking area.

Ms. Braddock Zollner said the original recommendation was for the applicant to work with the Architectural Review Committee.

Commissioner Sizemore said the Architectural Review Committee felt the project should come back to the Historic Resources Commission.

Ms. Braddock Zollner stated the staff report suggested the driveway access should be from Learnard Street. She said there were flood plain issues with the property.

Commissioner Meyer said the landscape plan would not change the property.

Commissioner Sizemore said he was concerned that the property was close to the floodplain.

Commissioner Marvin said the project was a significant encroachment on the Zinn-Burroughs House.

ACTION TAKEN

Motioned by Commissioner Marvin, seconded by Commissioner Wiechert, to deny the project at 423 East 19th street.

Motion denied 5-1

ITEM NO. 6: DR-9-105-09 801 New Hampshire Street; Sign; Certified Local Government Review. The structure is a noncontributing structure to Lawrence's Downtown Historic District, National Register of Historic Places. The property is also located in the environs of the House Building (729-731 Massachusetts), Register of Historic Kansas Places, and the North Rhode Island Historic District, National Register of Historic Places. The property is also located in the Downtown Conservation Overlay District. Submitted by Nancy Holmes of Full Bright Sign and Lighting for Louise's INC, the property owner of record.

STAFF PRESENTATION

Ms. Braddock Zollner presented the item.

APPLICANT PRESENTATION

Nancy Holmes stated the proposed sign was not out of line with the sign at the end of the block. She said major improvements had been completed on the building.

Commissioner Sizemore asked Ms. Holmes if the sign would stay below the cornice line of the building.

Ms. Holmes stated the sign would stay below the cornice line of the building.

Commissioner Wiechert asked the applicant if she read the staff recommendation.

Ms. Holmes stated she read the staff recommendation.

PUBLIC COMMENT

KT Walsh asked the owner of the building if the brick on the building had been repaired.

The owner of the building stated the brick of the building had been repaired.

COMMISSION DISCUSSION

Commissioner Sizemore said if the sign was below the cornice it would be an improvement over the previous sign placement.

ACTION TAKEN

Motioned by Commissioner Antle, seconded by Commissioner Williams, to approve the project at 801 New Hampshire Street, with the following conditions as listed in the staff recommendations:

1. The sign will be installed 3 ½ feet above the electrical line.
2. The sign will be installed appropriately into the mortar joints and not the masonry material.
3. The applicant will provide complete construction documents, with material notations, including placement height and installation method, to be reviewed and approved by the Historic Resources Administrator prior

to release of a building permit;

4. Any changes to the approved project will be submitted to the Historic Resources Commission prior to the commencement of any related work;
5. The property owner will allow staff access to the property to photo document the project before demolition, during construction, and upon completion of the project.

Motion approved unanimously 6-0

ITEM NO. 7: DR-12-144-09 1724 Kentucky Street; Window Replacement; Certified Local Government Review. The property is located in the environs of the Eugene F. Goodrich House (1711 Massachusetts St), National Register of Historic Places. Submitted by Mike Randolph for CJ & JO Properties LLC, the property owners of record.

STAFF PRESENTATION

Ms. Kirchhoff presented the item.

APPLICANT PRESENTATION

Mike Randolph said the property was approved for demolition in 2008. He said the property owner wanted to preserve the home. Mr. Randolph said the windows were rotted and not salvageable. He said the trim around the windows would be saved and vinyl windows would replace the current windows. He said most of the work would be done on the interior of the house with central heating/air, new duct work, plumbing and electrical systems.

Ms. Braddock Zollner said if a property was listed in the National or State register it would qualify for the rehabilitation tax credit. She said the tax credit did not apply to properties in the environs.

Commissioner Antle asked Staff if the windows were repairable.

Ms. Braddock Zollner said several windows in the house were beyond repair.

PUBLIC COMMENT

Dennis Brown, Lawrence Preservation Alliance, said the house was on the very edge of the environs. He said he was happy there was a new owner of the property and the home would be rehabilitated and not demolished. He said there were new state and environmental protection agency regulations that would affect preparing painted surfaces.

COMMISSION DISCUSSION

Commissioner Antle asked the property owner to take the old windows to the habitat restore.

ACTION TAKEN

Motioned by Commissioner Williams, seconded by Commissioner Antle, to approve the project at 1724 Kentucky Street, with the following conditions as listed in the staff recommendations:

1. Any changes to the approved project will be submitted to the Historic Resources Commission prior to the commencement of any related work;
2. The property owner will allow staff access to the property to photo document the project before demolition, during construction, and upon completion of the project.

Motion approved unanimously 6-0

ITEM NO. 8: DR-12-149-09 1120 Rhode Island Street; Demolition of Accessory Structure; Certified Local Government Review. The property is a contributing structure to the North Rhode Island Historic District, National Register of Historic Places. Submitted by Tenants to Homeowners for the Board of County Commissioners of Douglas County, Kansas, the property owner of record.

STAFF PRESENTATION

Ms. Kirchhoff presented the item.

APPLICANT PRESENTATION

Rebecca Buford stated the foundation of the structure was cracked. She said it would cost \$7000-\$8000 to rehabilitate the structure and a new structure would cost \$4,600.00. She said the neighbors were willing to reuse part of the siding. Ms. Buford said the structure would be rebuilt in the same foot print and the materials would match the house.

Commissioner Marvin asked Ms. Buford if there was a new owner for the property.

Ms. Buford said there was not a new owner for the property and typically a Tenant to Homeowner applicant would not have the funds to rehabilitate a shed.

Commissioner Meyer asked Ms. Buford what the purpose of the shed would be.

Ms. Buford said the home did not have a garage and the shed would be used as storage.

Commissioner Sizemore asked Ms. Buford if the existing wood siding would be reused.

Ms. Buford stated the wood siding would be reused.

PUBLIC COMMENT

Mr. Brown said the Lawrence Preservation Alliance was not under contract to restore the shed. He said the Lawrence Preservation Alliance had contributed over twenty thousand dollars for the project. He said there should be a replacement for the demolished shed because the homeowners would want the storage space. Mr. Brown said he was the advisor of the project and there needed to be a replacement. He said the shed roof addition was the start of the downhill sequence and the foundation was horribly cracked. Mr. Brown said the shed roof addition could be removed and used on the south side of the structure. He said a local contractor, Mr. Price, came up with a price of \$4800 to reconstruct the shed. Mr. Brown said the best part of the structure was the siding.

K. T. Walsh said Mr. Brown and Ms. Buford had put a lot of time and money into the project. She said the county was the owner and caused the demolition by neglect.

Mike Goans stated the structure was a contributing structure and it could be saved for a lot less money than building a new building. Mr. Goans said he would like to see the board put the decision on hold until the future owner could have the opportunity for input into the decision.

COMMISSION DISCUSSION

Commissioner Meyer asked Ms. Buford when she expected to hear from the county on whether or not the property would be donated to Tenants to Homeowners.

Ms. Buford stated the county could make decision within thirty to sixty days. She said the perspective buyer had asked her to get rid of the structure.

Commissioner Sizemore said if the shed was going to take \$5000.00-\$10,000.00 to make the repairs he questioned the amount of the existing structure that could be salvaged.

Commissioner Williams asked Mr. Brown if the bid from Mr. Price was for renovating the shed.

Mr. Brown said the bid was for renovation excluding the foundation, gutters, or painting the doors and windows.

Commissioner Sizemore asked how much of the framing that touched the ground would have to be replaced.

Ms. Braddock Zollner stated the replacement cost is not for a structure the same size as the existing structure.

Commissioner Williams asked what the estimate was for the paint.

Mr. Brown stated the bid for paint did not include the door or window.

Commissioner Williams asked Mr. Brown if the house was completed.

Mr. Brown stated the house was complete.

Ms. Buford stated Tenants to Homeowners mission was not preservation.

Commissioner Sizemore said the project could be deferred for Ms. Buford to find additional funding.

Ms. Buford stated she could look for additional funding.

Commissioner Williams said the new owners might want to keep the structure after it was painted.

Ms. Kirchhoff stated she would inquire at Kansas University for volunteers to help with the rehabilitation of the structure.

ACTION TAKEN

Motioned by Commissioner Antle, seconded by Commissioner Meyer, to defer the project at 1120 Rhode Island street, to the February 18th, 2010 Historic Resources Commission meeting.

Motion approved unanimously 6-0

Commissioner Antle left the Historic Resources Commission meeting

ITEM NO. 9: Adaptive Reuse Development Code Revisions

Mr. McCullough presented the item.

Commissioner Marvin asked Mr. McCullough to explain the language of the revisions.

Mr. McCullough explained the language and the 4000 square foot criteria.

Mr. McCullough stated the criteria have existed since the early 90's. He said the issue came up again within a boarding house meeting. He said within any code there was the potential of loopholes.

PUBLIC COMMENT

Jim O'Malley submitted letters to the Commission from neighbors in the area. He said potentially any home in old west Lawrence could be converted into a duplex, apartment, boarding house, or restaurant. He said that was a threat to the historic integrity of old west Lawrence and that would not encourage the preservation of historic property. Mr. O'Malley said resident owners take better care of their homes than landlords and historically the adaptive reuse ordinance had only affected Old West Lawrence. He said since 1993 four out of five applications for adaptive reuse were in Old West Lawrence. Mr. O'Malley said three out of the four structures were very large and adaptive reuse was needed for huge houses. He said 4000 square feet was not large enough and was inappropriate for adaptive reuse. He said he reviewed the historic district map and there were 100 contributing structures and 40-53 contributing structures had 4000 square feet or could be expanded to 4000 square feet. Mr. O'Malley said one half of the old west Lawrence historic district could be made into duplexes and that would not encourage owner occupancy.

Marci Francisco stated it was difficult to pick a square footage for homes in a neighborhood and make it fit all cases. She said criteria three was not clear that said 'a structure regardless of the zoning district or the historic use has to have so much square foot living space'. She said that means a structure would have to be a residential property.

Gwen Klingenberg said she was concerned about notification. She said the Old West Lawrence neighborhood was notified on Tuesday and there was not time to study the plan. She said Kirk McClure is the LAN representative and had been waiting for the plan to show up on an agenda for some time. She said the Commission needed to find a better way to notify the neighborhoods.

Commissioner Meyer asked Mr. McCullough if the proposed language change was to be approved or recommended by the Historic Resources Commission.

Mr. McCullough said the Historic Resources Commission was not the decision making body of a special use permit. He said the Commission was only making a recommendation to the Planning Commission.

Ms. Braddock Zollner said the Historic Resources Commission only made decisions on state law review and not local government use permits. She said a locally listed property would not have a state law review.

Commissioner Williams said there were also historic uses of property that would not be desirable to go back to like gas stations and other commercial uses.

Ms. Braddock Zollner said adaptive reuse historically had been the foundation of historic preservation. She said it was typically used for larger structures and the adaptive reuse was one of the most important tools for historic structures.

Commissioner Sizemore asked Ms. Braddock Zollner if the 4000 square feet for adaptive reuse projects was still a good cut off point or if it should be raised.

Ms. Braddock Zollner stated the number had been used under twenty times in the past twenty years. She said there was no issue with the 4000 square foot cut off.

Commissioner Meyer asked Staff if there was an issue with the amount of time the public had to review the issues.

Ms. Braddock Zollner stated there would be two other public hearings regarding the issue. She said the public can go online to the City's website and sign up to receive all agendas for the City Commission, Planning Commission, Board of Zoning Appeals, and the Historic Resources Commission.

ACTION TAKEN

Motioned by Commissioner Meyer, seconded by Commissioner Marvin, to defer Item #9 to the February 18th, 2010 Historic Resources Commission meeting.

Motion approved unanimously 5-0

ITEM NO. 10: MISCELLANEOUS MATTERS

- A. No comment on Board of Zoning Appeals applications received since December 17, 2009.
- B. No demolition permits received since the December 17, 2009 meeting.
- C. Review of Administrative and Architectural Review Committee approvals since December 17:

Administrative Reviews

- DR-12-142-09 1818 Massachusetts Street; Sign; Certificate of Appropriateness Review; the property is located in the environs of Fire Station #2 (1839 Massachusetts), Lawrence Register of Historic Places. Submitted by Nancy Holmes for Family Video Movie Club, the property owners of record.
- DR-12-143-09 1307 Massachusetts Street; Interior Change; Certified Local Government Review. The property is listed in the National and Local Register of Historic Places. Submitted by André Bollaert for Libuse Kriz-Fiorito Historical Foundation, the property owners of record.
- DR-12-145-09 645 - 647 Massachusetts St; SUP Expansion; Certified Local Government Review. The structure is located in the environs of Lawrence's Downtown Historic District, National Register of Historic Places. The property is also located in the Downtown Conservation Overlay District. Submitted by Mark Andersen of Barber Emerson, L.C. for GCB Holdings LC, the property owners of record.
- DR-12-146-09 1205 Kentucky St; Driveway Permit; Certified Local Government Review. The property is located in the environs of Lawrence's Downtown Historic District and the Oread Historic District, National Register of Historic Places. Submitted by Theodore and Marcia McFarlane, the property owners of record.
- DR-12-147-09 801 Massachusetts St; Sidewalk Dining; Certified Local Government Review. The property is a contributing structure to Lawrence's Downtown Historic District, National Register of Historic Places. The property is also located in the Downtown Conservation Overlay District. Submitted by Brian Kemp of Paul Werner Architects for Round Corner Inc LLC, the property owner of record.

ACTION TAKEN

Motioned by Commissioner Meyer, seconded by Commissioner Wiechert, to confirm the Administrative Review projects.

Motion approved unanimously 5-0

- D. General public comment.

Ms. Walsh said area schools were in threat of being closed and asked that everyone support the effort of keeping the neighborhood schools open.

E. Miscellaneous matters from City staff and Commission members.

Ms. Braddock Zollner said the structure at 617 west 4th street was approved for demolition over a year ago, but the property owner has put together a rehabilitation plan and wanted to use vinyl windows. She said Staff could not approve vinyl windows.

ACTION TAKEN

Motioned by Commissioner Williams, seconded by Commissioner Sizemore, to approve the installation of vinyl windows at 617 west 4th street.

Motion approved unanimously 5-0

ACTION TAKEN

Motioned by Commissioner Meyer, seconded by Commissioner Wiechert, to adjourn the Historic Resources Commission meeting.

Motion carried unanimously, 5-0

ADJOURN –9:53p.m.