

**LAWRENCE HISTORIC RESOURCES COMMISSION
AGENDA MEETING NOVEMBER 19, 2015 6:30 PM
ACTION SUMMARY**

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

ITEM NO. 1: COMMUNICATIONS

A. There were no communications from other commissions, the State Historic Preservation Officer, or the general public.

B. Disclosure of ex-parte communications.

Commissioner Hernly said he discussed Item No. 6 with Mr. Jackson Clark.

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

Commissioner Hernly abstained from Administrative Approval No. 1 and Regular Agenda Item No. 5.

ITEM NO. 2: CONSENT AGENDA

A. September 17, 2015 and October 15, 2015 Action Summaries

B. Administrative Approvals

1. DR-15-00451 832 Pennsylvania Street; Storefront Alteration; State Law Review, Certificate of Appropriateness, and Design Guidelines 8th and Penn Redevelopment Zone Review

2. DR-15-00509 524 Ohio Street; I&I Permit; State Law Review

3. DR-15-00491 115 W 11th Street; Mechanical Permit; State Law Review

4. DR-15-00512 742 Indiana Street; ROW Permit and Plumbing Permit; State Law Review

ACTION TAKEN

Motioned by Commissioner Hernly, seconded by Commissioner Arp, to approve the September 17, 2015 Action Summary.

Unanimously approved 6-0.

Motioned by Commissioner Hernly, seconded by Commissioner Bailey, to approve the October 15, 2015 Action Summary.

Motion carried 4-0-2.

Motioned by Commissioner Hernly, seconded by Commissioner Arp, to approve Administrative Approval No. 2, 3, & 4.

Unanimously approved 6-0.

Motioned by Commissioner Arp, seconded by Commissioner Fry, to approve Administrative Approval No. 1.

Motion carried 5-0-1.

ITEM NO. 3: East Ninth Street Project Concept Plan presentation from el dorado inc

STAFF PRESENTATION

Ms. Zollner introduced the item.

APPLICANT PRESENTATION

Mr. Josh Shelton, el dorado inc, presented the item. He discussed the streets and sidewalks and how they function in the neighborhood.

Commissioner Buchanan-Young said ADA guidelines and complete street guidelines are different standards. She asked which standard they intend to use for this project.

Mr. Shelton said they would like to have complete ADA access from Delaware to Massachusetts Streets on both sides, but will probably look at both standards and work with the City to find the best solution.

Ms. Zollner said she's been working with the design group and they have done some historical research. Originally, there was an 80 Ft. right-of-way, and when it was paved with brick it was 30 Ft. wide and was character defining for most of the period of significance for the historic district. Historically, there has been more right-of-way on the north and south side of the street. She believes there is plenty of right-of-way to achieve the project goals and to make this a complete, ADA accessible street while preserving historic character and creating a great place for art.

Mr. Shelton said there's a patina about the existing elements that they really appreciate. He said they're trying to narrow down new interventions that might encourage different modes of transportation and foot traffic and make sure they're very tastefully done.

PUBLIC COMMENT

Ms. KT Walsh said she finds it interesting they are just now considering the neighborhood history this deep into the project. She feels the important elements are the cut stone curbs, the underlying brick streets, and the trolley tracks. In reference to Commissioner Buchanan-Young's comment on ADA compliance, she feels brick sidewalks can be ADA compliant.

Commissioner Buchanan Young agreed 100%. She said sometimes the minimum ADA code isn't enough.

Ms. Walsh said she loves what Mr. Shelton proposed about a partner sidewalk that doesn't disturb the brick sidewalks. She suggested that local master stone masons be hired to do the work correctly and stressed the importance of re-using original brick.

Mr. Dennis Brown, Lawrence Preservation Alliance (LPA), said they feel brick would be a better material for the street, and perhaps harvested brick could be re-used on sidewalks or public

areas. He said they feel that narrowing or pinching the road to introduce a public area near Turnhalle is important. He also suggested the curb could be noted with different colored brick, like the waiting area at the Union Pacific Depot and even at the library, where the stacks of books are marked by tiles on the floor. They feel the Turnhalle is a good way to take back the area that was formerly encroached upon by the City. He mentioned that the church is concerned about the continuation of parallel parking along 9th Street, which serves as a loading and unloading area for parishioners. He discussed the current status and health of the Turnhalle, and reminded the public that it still needs help. He said LPA, a Douglas County Heritage Grant, and Flint Hills Holdings have mostly saved the structure up to this point.

Commissioner Hernly asked if LPA discussed the median strip in the preliminary design.

Mr. Brown said no.

Mr. Michael Almon said he wants to address the issue of complete streets and brick compatibility. He said "complete street" has many definitions but the ultimate objectives are to slow down motor vehicles and to enhance the movement of bicycles and pedestrians. He explained the concept of a woonerf, the European version of a complete street. He said the applicant is attempting a similar concept but is adjusting the curb lines, which he feels is unnecessary. Curb to curb from New Hampshire Street to Connecticut Street is 60 feet, and Connecticut Street to New Jersey Street is 34 feet. He mentioned that bricks will work for bikes at 5 mph, and a herringbone pattern in the brick makes the ride much smoother.

COMMISSION DISCUSSION

Commissioner Hernly said the last idea is intriguing and he challenged the applicant to think about what existing pieces can be incorporated into the design so it doesn't look brand new.

Commissioner Quillin agreed and pointed out that maintaining historic integrity is important because the project is at the center of many historic districts.

Commissioner Buchanan-Young asked if an overlay district would have helped with this project process.

Commissioner Hernly feels the street project will encourage adjacent property owners to make improvements and the Commission would end up reviewing those projects, but he's not sure if an overlay is feasible.

Commissioner Buchanan-Young feels an overlay district would be a good planning tool and would help lay out the expectations for future projects.

Ms. Zollner said there has been discussion of an overlay district that would incorporate this area, and they plan to use information gathered throughout this project, but they'd like to keep the two items separate so the 9th Street project can continue moving forward. She said the Planning office and City Commission are working together to see what will work best for the area and those issues will be addressed at a later time.

Commissioner Hernly asked for a time frame.

Ms. Zollner said they're moving forward with this project, and they've had inner staff meetings and a planner working on the zoning aspects for East Lawrence in hopes they can gain a better

understanding as to whether an overlay district would be appropriate. She said initiating an overlay takes time and lots of neighborhood involvement.

PUBLIC COMMENT

Mr. Shelton mentioned that Ms. Walsh is opposed the 8-10 Ft. wide path, but it's a feature he's received several requests from people in the neighborhood to include. He's also heard from ADA advocates that Burroughs Creek is great for wheel chairs because you can participate in exploration without being bound to the sidewalk. He said he would like feedback from the Commission for an 8 Ft. wide path that would connect to the Burroughs Creek trail system.

Commissioner Hernly said it looks like there's a bike lane on the south and north side of the concept plan.

Mr. Shelton said the aforementioned requests would be a departure from the concept plan.

Ms. Walsh voiced her opposition to the inclusion of 9th Street to the Burroughs Creek trail system.

Commissioner Hernly said the concept plan with a split path- 5ft on each side- would fit best from a historic standpoint. He said the Burroughs Creek Trail is a larger thoroughfare and this is a connector to Downtown.

Commissioners Arp agreed.

Commissioner Fry agreed, noting that the 10 Ft. plan seems a little isolated.

Mr. Shelton noted that it is 8 ft.

Commissioner Buchanan-Young said it's good to explore and exhaust all options.

Mr. Shelton they will, and added that the 8 Ft. request came from people with kids and people who want a wider sidewalk as a community asset for children.

No action taken.

ITEM NO. 4: L-15-00501 Public hearing for consideration of placing the structure located at 1624 Indiana Street, the George Malcomb Beal House, on the Lawrence Register of Historic Places. Adopt Resolution 2015-14, if appropriate. Submitted by John Charlton, the property owner of record.

STAFF PRESENTATION

Ms. Zollner presented the item.

APPLICANT PRESENTATION

Mr. John Charlton said the house has been in his family since 1971 and he appreciates the consideration for local nomination.

PUBLIC COMMENT

Mr. Dennis Brown, Lawrence Preservation Alliance (LPA), said LPA had nothing to do with this nomination and that makes them excited. He applauded Mr. Charlton for bringing the nomination forward.

Mr. Steven Watts said he lives at 1649 Edgehill Road inside the environs, but noted he has no problem with the house. He explained his family's connection to the neighborhood, and expressed concern that the item has been prematurely approved since there has been a resolution drafted. He asked to be excluded from the 250 ft environs boundary.

Commissioner Hernly noted a blue line coming from the east on the map.

Ms. Zollner said the line indicates the environs of the Ludington Thatcher House.

Commissioner Hernly pointed out that 1649 Edgehill Road is already in the environs of a listed property, the Ludington Thatcher House.

Mr. Watts said he'd rather not ask for two exemptions from the environs of both listed properties.

Commissioner Hernly explained that once the property is within historic environs it doesn't matter how many other properties encompass it.

Mr. Watts feels the landmark process creates a burden and said the value of his land is more important than the house.

Mr. Tom Harper said he's really excited about the nomination. He said it's the third Mid-Century property nominated in the City and he looks forward to other similar nominations in the future. He commended Betty Jo Charlton and John Charlton for taking care of the home, and mentioned that additional photos are posted on their website. He said there's a reason for the 250 ft environs and is glad that the Commission understands its importance.

Commissioner Hernly wondered if the other pockets of Mid-Century Modern houses might perhaps be considered as historic districts.

Mr. Harper said he's aware of those pockets but they haven't done any leg work to nominate other properties.

Ms. Zollner said Lawrence Modern has some fantastic interior photos of the home.

COMMISSION DISCUSSION

Commissioner Arp said it's a wonderful nomination.

ACTION TAKEN

Motioned by Commissioner Bailey, seconded by Commissioner Arp, to recommend designating the structure at 1624 Indiana Street as a Landmark on the Lawrence Register of Historic Places.

Unanimously approved 6-0.

Motioned by Commissioner Bailey, seconded by Commissioner, to adopt the environs definition as provided.

Unanimously approved 6-0.

Motioned by Commissioner Arp, seconded by Commissioner Hernly, to adopt Resolution 2015-14.

Unanimously approved 6-0.

ITEM NO. 5: DR-15-00492 1030 Ohio Street; Demolition of accessory structure; State Law Review and Certificate of Appropriateness. The accessory structure is listed as a non-contributing structure to the Oread Historic District, National Register of Historic Places. The structure is also located in the Oread Historic District, Lawrence Register of Historic Places. Submitted by Abel Leon for Kolibri Ventures LLC, the property owner of record.

STAFF PRESENTATION

Ms. Zollner presented the item.

APPLICANT PRESENTATION

Mr. Abel Leon, property owner, said they recently acquired the property and he appreciates the Commission's consideration.

PUBLIC COMMENT

Ms. Marcia Epstein, 1041 Tennessee Street, said the block is very unique because there is no infill construction. She's not opposed to the demolition, but is concerned about the overall plan and possible variances for inappropriate parking structures with no setbacks.

Commissioner Buchanan Young asked if future proposals for the project will be reviewed by the Commission.

Ms. Zollner said there is a memo in the agenda packet that states the applicant has submitted a request to the Board of Zoning Appeals (BZA) for variances from the required parking for a triplex, a new Design Review application for rehabilitation of the primary structure, and an 880 square foot garage that will cover the width of the property with rear parking behind the garage.

Commissioner Buchanan-Young said the staff report indicates no replacement structure.

Ms. Zollner explained that at the time the staff report was written the applicant had not submitted the other applications.

Commissioner Arp asked if the replacement plans would have impacted staff's recommendations.

Ms. Zollner said staff hasn't had time to review the additional applications, but she doesn't feel they would have changed the recommendations for the demolition.

Commissioner Arp asked staff to clarify that the applications would have had no bearing on the current demolition request simply because the structure has reached its end of life.

Ms. Zollner said the Commission can either approve the demolition without a replacement structure. They can review the zoning request under miscellaneous items tonight for comment to the BZA. They will also look at the variance requests under State Law Review next month along with the proposed new accessory structure construction. Alternatively, she said they can choose to review all items at the same time.

Commissioner Arp said that was his next question, as he was pondering deferral.

Mr. Leon said they just want to remove the garage for safety concerns.

Ms. Candice Davis, 937 Louisiana Street, said there's a problem with developers misusing codes and feels stacked parking is a way to get around the issue of density. She feels that stacked parking is for families, not for eight individual adult residents as likely will be proposed. She mentioned the lack of green space is also an issue.

Mr. Kyle Thompson, 1041 Tennessee Street, said a memo from planning staff in 2010 indicated that stacked parking is not appropriate. He said he would appreciate that concern voiced to the BZA.

Ms. Marci Francisco explained her involvement in the historic preservation of the neighborhood. She said this block of the neighborhood consists of lots of single family homes and is concerned the stacked parking would add pressure to increase density on the block and introduce a pattern that is out of character. She would appreciate comments from the Commission be forwarded to the BZA.

Ms. Davis said stacked parking is not allowed in this portion of the neighborhood and they don't want it.

Ms. Epstein said she supports removing a structure for safety reasons, but also feels there should be a plan for the land grading in the meantime.

COMMISSION DISCUSSION

Commissioner Bailey asked if the BZA will meet after the HRC.

Ms. Zollner said the BZA prefers the HRC makes a decision first but the demolition request came before the BZA application.

Commissioner Fry said he appreciates knowing what they have coming down the path but he feels the current request is pretty straightforward.

Commissioner Arp disagreed- he feels the concern about shifting dirt is valid and would like to see all applications at the same time.

Commissioner Fry asked if there are no HRC requirements to hold the land in place.

Ms. Zollner said there is nothing required by the HRC.

Commissioner Bailey said there are other functions that could address that issue, but he doesn't understand how this review will affect the others.

Commissioner Arp agreed.

Commissioner Buchanan-Young asked if the HRC will still review the replacement structure if the demolition is approved.

Ms. Zollner said they have several requests to consider; tonight, the demolition of the existing structure and the option to send comments to the BZA regarding two related variances. Next month, the official variance request and the new construction and rehabilitation will come before the Commission.

Commissioner Arp asked if the demolition has any impact on the rest of the process.

Ms. Zollner said if the demolition is approved the structure can come down. She explained that the staff recommendation might have been different if other portions of the project had been considered other than the demolition request, but regardless, the existing structure should come down.

Commissioner Arp reiterated that they have not foreclosed on their options to review the other applications involved.

Ms. Zollner said that is correct- they cannot build a replacement structure before the HRC reviews their proposal.

Commissioner Buchanan-Young suggested a deferral would align the demolition request with a more typical application process.

Commissioner Arp noted that the potential outcome won't change.

Commissioner Buchanan-Young said she is concerned about the runoff if the structure is removed.

Ms. Zollner said they can approve the demolition but ask staff to communicate that concern to other departments.

PUBLIC COMMENT

Mr. Brett Groene if the HRC will review the house only if the BZA approved the stacked parking.

Ms. Zollner said the BZA looks at the hardship, and the HRC looks at whether the variance request is appropriate under State Preservation Law. She explained the appeal process if that request is denied.

Ms. Epstein doesn't believe there is an entity that would enforce the runoff issue.

Ms. Zollner said staff can do some research, but she feels the property maintenance code and demolition permit review will address any runoff issues with the storm water engineer.

Commissioner Arp asked about the 30 day waiting period.

Ms. Zollner said they've already applied for the permit and their 30 day period is almost up.

COMMISSION DISCUSSION

Commissioner Buchanan-Young feels they should defer the item until next month.

Commissioner Arp agreed.

Commissioner Bailey said the structure is coming down regardless and doesn't feel this will affect other reviews.

Commissioner Arp said it's currently a static situation but if they start tearing things down it could invite other problems. He feels they should defer.

Commissioner Buchanan-Young agreed.

Commissioner Bailey agreed their concern is valid, and noted the unusual timeline on these applications.

PUBLIC COMMENT

Mr. Leon doesn't feel a deferral is necessary.

Commissioner Arp said they won't accomplish anything other than tearing down the structure with an approval tonight.

Commissioner Buchanan-Young asked if they are trying to demolish the structure to make way for parking for the existing tenants.

Mr. Leon stated there might be a couple spots for parking there.

Commissioner Buchanan-Young said a deferral won't delay the project because it will be heard next month.

ACTION TAKEN

Motioned by Commissioner Buchanan-Young, seconded by Commissioner Arp, to defer the request and State Law Review and Certificate of Appropriateness until a more complete application is submitted with a replacement structure.

Motion carried 4-1-1.

ITEM NO. 6: DR-15-00513 746 Indiana Street; Demolition of accessory structure; State Law Review. The primary structure is listed as a contributing structure to the Old West Lawrence Historic District, National Register of Historic Places. The accessory structure is not identified in the nomination or subsequent contributing property list approved by the State Historic Preservation Office. Submitted by Jackson Clark, the property owner of record.

STAFF PRESENTATION

Ms. Zollner presented the item.

Commissioner Arp asked why staff is recommending no replacement structure.

Ms. Zollner said the applicant has no desire for a replacement structure. She said the structure will continue to deteriorate so at some point it will collapse and isn't structurally sound and safe.

Commissioner Buchanan-Young asked if an eventual replacement would still be reviewed by the HRC.

Ms. Zollner said yes it would come back for review due to State Law Review.

APPLICANT PRESENTATION

Mr. Jackson Clark, property owner, said the wall has shifted and is failing severely. He said there are cracks all the way through the walls on all sides, and nothing can be done to save the structure. He said a replacement structure is not imminent as a matter of finances and site conditions.

No public comment

ACTION TAKEN

Motioned by Commissioner Arp, seconded by Commissioner Bailey, to approve the project with amendments as recommended in the staff report.

Unanimously approved 6-0.

ITEM NO. 7: DR-15-00528 1345 Rhode Island Street; Addition; State Law Review. The property is listed as a contributing structure to the South Rhode Island and New Hampshire Street Historic District, National Register of Historic Places. Submitted by Shelli Ulmer for Kristina Poracsky, the property owner of record.

STAFF PRESENTATION

Ms. Zollner presented the item.

PUBLIC COMMENT

Ms. KT Walsh said she appreciates their small addition that doesn't overwhelm the front facade.

COMMISSION DISCUSSION

Commissioner Arp said he has no concerns about the project.

Commissioner Hernly said the connection between the addition and original structure is achieved through differentiation in materials, but the addition is the same width. He asked how other commissioners feel about that.

Commissioner Bailey said it's something they've wrestled with and feels the opposite might be true, particularly when keeping it the same width.

Commissioner Hernly said the detailing on the existing house is odd- particularly the overhands and roof pitch. He's curious how the new overhang where the addition attaches will look.

Ms. Zollner suggested they could send it to the ARC for work on the roof lines.

ACTION TAKEN

Motioned by Commissioner Hernly, seconded by Commissioner Arp, to approve the project with the amendments recommended in the staff report.

Unanimously approved 6-0.

ITEM NO. 8: MISCELLANEOUS MATTERS

- A. Provide comment on Board of Zoning Appeals applications received since October 15, 2015.

Ms. Zollner said staff included information regarding the 1030 Ohio Street project previously discussed tonight. She reminded them this is an advisory role and they may choose to forward comments to the BZA.

Commissioner Buchanan-Young said she would be in favor of making a recommendation that stacked parking be disallowed.

Commissioner Arp asked why staff supports the variance request.

Ms. Zollner said staff only supports the variance for the side yard setback, which is an existing condition.

Commissioner Bailey asked what the parking standards are for a triplex.

Ms. Zollner said parking regulations require a triplex or above to provide a parking lot, which includes meeting requirements for aisle widths, parking space sizes, landscaping, and curb and guttering.

Commissioner Arp asked why staff does not support the stacked parking request.

Ms. Zollner explained that stacked parking is not an appropriate form for the historic district because it utilizes so much of the rear yard.

Commissioner Arp said he agrees with that. He asked for clarification about the variance and hardship factors.

Ms. Zollner said the HRC is only looking at the variance's impact on the listed property.

PUBLIC COMMENT

Ms. Marcia Epstein said setbacks go across the entire property line, as opposed to the footprint of a structure, and stays with the property. She asked them to consider what part of the property the request is appropriate for. She does not support stacked parking or the minimization of green space.

Commissioner Arp said this is another complication of reviewing this project in pieces, but feels they should still comment.

Ms. Zollner said they can choose to comment on one, both, or none of the variances.

Ms. Marci Francisco said she appreciates that the Commission is looking at this project and choosing to comment. She made suggestions for parking that is appropriate for the property and the area, stressing parking along the alley and maintaining space for a trash enclosure.

Mr. Brett Groene asked if the variance is only necessary because they chose to propose a triplex instead of a duplex. He said the change from duplex to triplex does not increase density, but it makes more sense to use the space in the house as a triplex.

COMMISSION DISCUSSION

Commissioner Buchanan-Young feels they should make a recommendation to the BZA that the historic pattern be maintained.

Commissioner Bailey asked for clarification regarding the side yard variance.

PUBLIC COMMENT

Mr. Brett Groene said the proposed addition is within the allowed setback.

Commissioner Arp asked staff to clarify the implications of the setback variance.

Ms. Zollner said an addition to the structure would be subject to the approved variance so the applicant could build up to 1 foot 9 inches, depending on where that falls with building code and the house next door.

Commissioner Arp said he's not comfortable making a recommendation because they don't know what's envisioned for the site.

Mr. Brett Groene said they have no plans of building up to the 1 foot 9 inches setback.

Commissioner Arp said no, but it would allow them to.

Mr. Brett Groene said they didn't really ask for a variance and had no plans to build up to that point.

Commissioner Arp said approval of the variance could open up many potential options for a project they haven't even seen,

including the option to build up to the 1 foot 9 inches in from the property line.

Ms. Zollner said from a development code standpoint, that is true, but the HRC would still review the new construction.

Commissioner Arp said he'd like to communicate to the BZA that the HRC is uncomfortable recommending approval of a variance for a new construction proposal they haven't seen.

Commissioner Buchanan-Young said they could suggest conditions on the variance for new construction, in addition to their recommendation to maintain the historic pattern.

Commissioner Bailey if the variance is only triggered by the change from duplex to triplex.

Ms. Zollner said they could send comments to the BZA that the HRC is supportive of a variance to codify the existing condition of the structure, but that they would not support a setback variance for the entire length of the lot.

Commissioners agreed those comments were appropriate.

ACTION TAKEN

Motioned by Commissioner Arp, seconded by Commissioner Buchanan-Young, to direct staff to draft a letter to the BZA outlining the HRC's support for the variance codifying the existing condition of the structure, but not for a setback variance that covers the entire length of the lot.

Unanimously approved 5-0-1.

Commissioner Buchanan-Young said they need to also recommend that the historic pattern is maintained.

ACTION TAKEN

Motioned by Commissioner Bailey, seconded by Commissioner Arp, to direct staff to draft a letter to the BZA with comments that the HRC does not support the parking variance because it will alter the historic pattern of the district.

Motion carried 4-1-1.

- B. There were no demolition permits received since the October 15, 2015 meeting.
- C. Architectural Review Committee approvals since October 15, 2015.

Ms. Zollner said there were no approvals, but the ARC met on two projects, both with refinements: one for the Eldridge on building materials, and another for alterations on a two-story addition project.

D. General public comment.

Commissioner Arp thanked staff for preparing the resolution for the Landmark nomination at 1624 Indiana Street, per the common practice of the Commission and because it's very helpful.

Commissioner Fry agreed.

Commissioner Buchanan-Young said she also appreciated the memo on 1030 Ohio Street.

Ms. KT Walsh gave an update on the Black Hills Quonset hut and explained that a long term lease for the KU Art Department may be signed in that space.

E. Miscellaneous matters from City staff and Commission members.

Commissioner Buchanan-Young mentioned that the Oregon Trail signage will move forward.

Ms. Zollner mentioned that, after 13 ½ years, the lights are finally on at the Breezedale Monument.

The Commission reviewed the 2016 Submission Deadlines and Meeting Dates Calendar.

ACTION TAKEN

Motioned by Commissioner Arp, seconded by Commissioner Buchanan-Young, to approve the 2016 Submission Deadlines and Meeting Dates Calendar.

Unanimously approved 6-0.

ADJOURN 9:30 PM