

**LAWRENCE HISTORIC RESOURCES COMMISSION
AGENDA MEETING AUGUST 20, 2015 6:30 PM
ACTION SUMMARY**

Commissioners present: Bailey, Foster, 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 and Commissioner Quillin abstained from Item 3.

ITEM NO. 2: CONSENT AGENDA

- A. July 23, 2015 Action Summary.
- B. Administrative Approvals
 - 1. DR-15-00281 925 Vermont Street; Commercial Remodel; State Law Review
 - 2. DR-15-00331 1345 West Campus Road; Commercial Plumbing Permit; State Law Review
 - 3. DR-15-00336 516 Ohio Street; Mechanical Permit; State Law Review
 - 4. DR-15-00352 1025 Massachusetts Street; Sign Permit; State Law Review, Certificate of Appropriateness Review, and Downtown Design Guidelines Review
 - 5. DR-15-00353 1900 Haskell Avenue; Sign Permit; Certificate of Appropriateness Review
 - 6. DR-15-00354 901 Massachusetts Street; Commercial Remodel; State Law Review
 - 7. DR-15-00358 1045 Pennsylvania Street; Special Use Permit; Certificate of Appropriateness Review

ACTION TAKEN

Motioned by Commissioner Hernly, seconded by Commissioner Quillin, to approve the Consent Agenda.

Unanimously approved 4-0.

- ITEM NO. 3:** DR-15-00316 815 Vermont Street; New Construction; Certificate of Appropriateness Review and Downtown Design Guidelines Review. The property is located in the environs of the Lucy Hobbs Taylor House (809 Vermont), Lawrence Register of Historic Places and is located in the Downtown Urban Conservation Overlay District.

Commissioners Hernly and Quillin exited the room.

STAFF PRESENTATION

Ms. Zollner presented the item.

APPLICANT PRESENTATION

Mr. Bob Schumm, applicant, said he was not able to be at the last meeting because the meeting was held a week after it was originally scheduled. He explained details of the proposed project and explained the history of the property and the surrounding area. He addressed staff's comments from the previous meeting. He said the economics of the project are the issue. He said on-site parking is very expensive because the amount per stall is around \$40,000 a space. He said when you reduce the amount of square footage, which they did, the building needs to be higher to compensate. He said the fixed costs need to be supported by the space provided. He mentioned they made modifications to the first story as requested by staff. He explained that the proposed height adds a better architectural view and enough square footage to make it economically viable. He doesn't feel there is any real height standard on the street aside from the Vermont Street Station, and all the historic buildings are in the four-story range. He questioned what might happen if Vermont Street Station is torn down and they want to build a six story building. Compared to his building, he explained that it and other large buildings on New Hampshire Street are very large. He said downtown is supposed to be dense, and the Downtown Design Guidelines encourage mixed-use development, which means development including living units should be welcomed. He said he's willing to work with the Historic Resources Commission (HRC) on design and materials, but he really needs the proposed square footage.

Commissioner Foster asked about a material change from canyon stone to another material. He asked what staff's issue with canyon stone is.

Ms. Zollner said it's not so much the canyon stone but the projection to the north and a large amount on the wall.

Mr. Schumm said he's been looking at the Nechiha projects but changed it to be compatible with the stone façade.

Commissioner Foster asked if the north elevation changed in the revised drawings.

Mr. Schumm said yes.

Mr. Mike Myers, Hernly Associates, said he agrees with the applicant about massing. He said if the newer projects on New Hampshire Street, and their proximity to single-dwelling historic architecture, are compared to Vermont Street, you'll notice great gaps in the urban texture on Vermont Street provided by the park, swimming pool, and bank parking lot. He explained that the aforementioned spaces between Kentucky and Tennessee Streets act as a buffer between Downtown and Old West Lawrence. He suggested if you agree that to improve the health of the city is to build density downtown, Vermont Street is a good opportunity to build bigger and more dense than New Hampshire Street due to the buffer. He added that the buffer has created opportunities along the east side of Kentucky Street including a school, four-plex, law offices, and an architecture office.

Commissioner Foster asked if it's policy that Commissioner Hernly cannot address the Commission.

Ms. Zollner said that is correct.

PUBLIC COMMENT

Mr. Dennis Brown, Lawrence Preservation Alliance (LPA), said their Board had a regular meeting on Monday and they formed an opinion that agrees with staff's opinions about the height of the structure. He said they have a ton of respect for the applicant and the architecture firm and don't want to argue the project's relation to the properties to the south or proximity to Old West Lawrence. He acknowledged that Vermont Street will change over time. He said their main concern is the Certificate of Appropriateness for the Lucy Hobbs Taylor House and how the project relates to it. The LPA Board feels the project does encroach upon that house. He proposed a design change that would increase height and density without encroaching upon the Lucy Hobbs Taylor House.

Ms. Kathy Nemeth-Tuttle, President of Old West Lawrence Neighborhood Association, said she appreciates the comments that have been made regarding the impact on the Lucy Hobbs Taylor House, and she also understands the need for projects of this type. She said in general, their concerns are about the height creating canyons of light and shadows to the neighbors on Kentucky Street. She also said she appreciates that the HRC took the impact of the library on that neighborhood into consideration by creating a rear entry.

Ms. Lindsay Crick, LPA, said height is a slippery slope. She feels the exterior treatment on Vermont Street is an improvement from previous plans and the upper floors don't seem quite as big but thinks it's still too tall.

A resident at 804 Kentucky Street said his main concern is the traffic down the alley because it's already difficult due to the school. He isn't sure where the entrance to the garage would be, and asked if all tenants would be parking in the garage. He said the canyon stone would be bright and cheery, but the current proposal is dark and unfriendly. He said a huge building is going to block the sunlight to neighbors' backyards.

Mr. Myers said, in rebuttal to Mr. Brown, that they are currently at four stories and have stepped back the fifth, so it would be very difficult to perceive the fifth floor unless you're on top of the Oread Inn looking down on it. He said he appreciates the idea of stepping down the primary façade which is why they've already done it.

Mr. Schumm said they are indeed stepping back. He explained that the wall adjacent to the alley is two and three stories in an effort to reduce the impact on the neighborhood behind it. He feels the rear elevation is the nicest for an alley in Lawrence. He said the school setback creates a gap of open space. As a gardener, he said he's very cautious about sunlight. He explained it would only be shadowy until about 11:30 am. He said there will be 21 spaces in the lower garage area and the parking garage elevator will be on the southwest corner. He presumes the traffic will be minimal because the spaces are used predominantly for the living units, but more office space would create more traffic. He said the material was changed by staff's recommendation but he is open to other materials that might be better.

COMMISSION DISCUSSION

Commissioner Foster said he appreciates the discussion comparing this project to the Marriott Hotel but pointed out that it was resolved by the City Commission.

Commissioner Bailey said when considering a Certificate of Appropriateness Review and an environs review, it's important to note the many changes to the environs. He asked if the environs should be looked at in a historical context or as it is today.

Ms. Zollner said when the environs definition is drafted and approved, it defines the existing area and what would be appropriate. She said the Lucy Hobbs Taylor House has two areas- residential and what is presumed would be commercial. She said it's a very atypical block, so historical context and the environs definition can be used in combination.

Commissioner Foster said he appreciates Mr. Brown's suggestion that substantial changes come back to the Full Commission, and hopefully they would have greater membership if and when it does. He also appreciates the changes made as a result of previous suggestions, although he still has reservations about the north property line shared with the Lucy Hobbs Taylor House. He weighed in on staff's concerns, all or most of which he agrees with. He's not optimistic that they can achieve a great result this evening- the exterior has changed dramatically and the design has gotten better every time. He said the most difficult elevation is the big blank stone wall that is pretty visible. He talked about the height and mass of the library parking garage. He also questioned the status of specific guidelines that might guide these decisions. He suggested the issue of alley traffic might be better addressed by another City department.

Commissioner Bailey said he agrees the work done over the past month is great. He said he's troubled by 7.3 in the Design Guidelines that addresses height, although he agrees the fifth story will be hard to see from most vantage points. He said the Certificate of Appropriateness says it should not significantly encroach upon the listed property, and this proposal is a drastic change from what is there now. He said the proposal is close, but it would be nice to have other voices on the Commission. He discussed options for the applicant, but doesn't like the idea of kicking it to the Architectural Review Committee (ARC).

Commissioner Foster said on 7.3 it refers to buildings currently not historically. He said if the Lucy Hobbs Taylor House was purchased with the assumption that a preservation ordinance would continue to apply to the environs, one would be shocked by something of this stature right next door. He pondered whether this is the correct venue for approval. He suggested they defer to allow the applicant time to respond and to treat the Full Commission as the ARC.

Commissioner Bailey said, in regards to the Certificate of Appropriateness, it seems that building a four or five story building on a vacant lot is the definition of "encroach upon".

PUBLIC COMMENT

Mr. John Brandt asked if commissioners could speak up. He said he lives in southeast Lawrence and he's very curious about what they mean by significant encroachment. He said this project won't eat the Hobbs House or hurt it, unless they can define "hurt". He said it's a little disconcerting that the committee isn't present. He suggested they can't make any decisions of a public nature without a quorum.

Commissioner Bailey said they have a quorum but have two abstentions from this vote.

Mr. Brandt said they're not here to abstain.

Commissioner Bailey said they've already abstained.

Mr. Brandt said they did not announce that.

Commissioner Bailey said they are considering deferring to allow other commissioners to be involved.

Mr. Brandt said there should be more discussion about the purpose of this committee to preserve historic resources with respect to the Hobbs House. He said the only thing he's heard is that the project is too tall by one story and how it compares to New Hampshire Street. He doesn't understand how staff came to the conclusion that the project is too tall. He feels the project certainly fills a space and economic need and doesn't hurt the Hobbs House.

Mr. Myers said Mr. Brandt made a good point about encroachment. He said they're proposing a four story building next to a three story building, and asked how that is significant and by what definition.

Mr. Schumm said part of the conflict is that he's hearing the structure is too big, and some commissioners want it lot line to lot line. He said that shrinking the building by one floor won't make it look like the Lucy Hobbs Taylor House, all that does is reduce the economic viability of the project.

COMMISSION DISCUSSION

Commissioner Foster said the guidelines they're using are arguably tried and true and based on the Secretary of Interior Standards. He said he's uncomfortable taking action with only two commissioners and feels they should defer the item.

Commissioner Bailey agreed.

Commissioner Foster asked if a denial to allow an appeal to the City Commission is more desirable.

Mr. Schumm asked if they defer if it would appear before a larger number of commission members.

Commissioner Foster said that would be the hope.

Mr. Schumm asked then if it would be completely re-heard.

Commissioner Foster said they could defer and come back to the same design or alternatives could be created.

Mr. Schumm asked what specifically commissioners are concerned about to see if things can be mitigated.

Commissioner Foster said mass and scale are issues, as is the north elevation with the unarticulated three story wall.

Mr. Schumm said the north façade is the staircase, and since it's built to the lot line you can't put in windows. He said the original five feet setback allowed windows.

Commissioner Foster suggested they point out which design details address which concern at the next meeting, since he understands they are getting some conflicting feedback.

Mr. Schumm asked if mass and scale means height only.

Commissioner Foster said they've only looked at bulk when the entire site isn't covered, but here the entire site is covered and they've done well stepping it back.

Commissioner Bailey said stepping back the fifth story is very good; it's the mass of the four stories that's an issue.

Mr. Schumm asked if four stories is also too high.

Commissioner Foster suggested if the fourth story disappeared and the fifth story penthouse dropped down, that would be an improvement. He suggested a partial fourth story.

Mr. Schumm said he seriously doubts that would work financially.

Commissioner Foster said he appreciates all the great materials on the building and the economics of the project, but the guidelines are creating too much contrast for only two commissioners to be comfortable with.

Commissioner Bailey said they could defer, deny, or approve.

Mr. Schumm said he'd appreciate if they'd defer it.

Commissioner Foster asked if people have ever come back with options.

Ms. Zollner said yes.

Commissioner Foster suggested that the applicant come back with options.

Ms. Zollner said they do not currently have a full City Commission so if the project is denied they could still be before a shorthanded Commission.

Ms. Katherine Simmons said if the vote is 2-2, the project would not pass.

ACTION TAKEN

Motioned by Commissioner Foster, seconded by Commissioner Bailey, to defer the project.

Motion carried 2-0-2.

ITEM NO. 4: Adopt the following resolutions to begin the Landmark process for City owned properties:

1. Resolution 2015-07 Union Pacific Depot
2. Resolution 2015-08 Carnegie Library Community Building
3. Resolution 2015-09 Fire Station #1
4. Resolution 2015-10 Oak Hill Cemetery
5. Resolution 2015-11 Clinton Park

STAFF PRESENTATION

Ms. Zollner asked that the item be deferred due to issues with the legal descriptions but explained the process.

Commissioner Foster suggested staff could lay out a plan for the process that seems logical.

ACTION TAKEN

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

Unanimously approved 4-0.

MISCELLANEOUS DISCUSSION

Commissioner Hernly asked about the ownership transfer and nomination of Santa Fe Station. He asked if any of it would be tax credit eligible.

Ms. Zollner said they're close on the final work and are revising the site plan. She said Federal tax credits don't apply because it's partially owned by the City, and State tax credits will require a determination because the city owns the building and the railroad owns the land. The property is not currently listed.

PUBLIC COMMENT

Ms. KT Walsh said there's been a change because the railroad moved out of the building entirely, so they might be able to save money since they won't have to build a wall to separate space.

Ms. Zollner offered to send the City Manager an email about the discussion.

Commissioner Hernly explained the reasons for separating the spaces and said it might still be necessary.

Mr. Dennis Brown said he thought the deal with Union Pacific was similar in that they maintained ownership of the property and the City took ownership of the building.

Ms. Zollner said staff would find confirmation either way.

Commissioner Hernly asked whether it would be determined by the State Historic Preservation Office or the National Park Service.

Ms. Zollner said it would likely be the City Attorney and real estate laws that determine the true owner and how that will correspond to tax credits and listing.

ITEM NO. 5: MISCELLANEOUS MATTERS

- A. Provide comment on Board of Zoning Appeals (BZA) applications received since July 23, 2015.

Ms. Zollner said she has one application that may be on the next BZA agenda for 603 Tennessee Street. She said the property owners are looking to expand their driveway to the full width of the parking pad. She asked if the HRC should provide comments to the BZA.

Commissioner Hernly asked what application would bring it to the HRC.

Ms. Zollner said the driveway permit review, but they can also comment on the BZA action.

Commissioner Foster asked if they need to come through the HRC regardless of the action taken by the BZA.

Ms. Zollner said that's correct, they do not need to send comment to the BZA, they can ask staff to review, or place it on next month's agenda. Staff suggested they could go the maximum 12 feet or move it to the west, and possibly look at colored concrete.

Commissioner Foster said they generally don't want to see appeals approved on a listed property.

Commissioner Hernly said the continuation of the sidewalk is really important and it should be differentiated from the drive. He said he would not support it at BZA.

ACTION TAKEN

Motioned by Commissioner Hernly, seconded by Foster to place the project at 603 Tennessee Street on the next meeting agenda as a Full Commission item if it is approved by the Board of Zoning Appeals.

Unanimously approved 4-0.

The Commission directed staff to draft a letter to the BZA noting the required review for the application and that there may be design alternatives that would reduce the impact on the listed property.

- B. There were no demolition permits received since the July 23, 2015 meeting.
- C. Architectural Review Committee approvals since July 23, 2015.

Ms. Zollner said materials were approved for 739 New York Street, and a conclusion was not reached on 800 New Hampshire Street.

- D. General public comment.

Mr. John Brandt asked if it's typical for two people to abstain.

Commissioner Foster said it is not typical but when someone needs to abstain from a particular item they will leave the room and return when the discussion for that item is complete.

Mr. Brandt said he's never heard of that. He thanked the Commission.

Ms. KT Walsh said she thought it might be helpful for Mr. Brandt to know that Commissioner Hernly abstained because he is the architect on the project.

Mr. Brandt said the item should not have been heard and should have been deferred.

Commissioner Foster said City legal staff was consulted on this unusual situation and advised that they could move forward and it would be defensible and legal. He said they decided to defer the item anyway.

E. Miscellaneous matters from City staff and Commission members.

Ms. Zollner reminded commissioners about CLG training next week. She also discussed the importance of vernacular architecture and of the surveys they have done to identify homes in the City for listing. She mentioned a house on 23rd & Ohio Streets that's awaiting demolition, as an example of small houses that seem to be dwindling in the City's core. She said staff's concern is for houses in East Lawrence and north of 15th Street. She suggested there might be some opportunities for education and outreach regarding small houses.

ADJOURN 8:55 PM