

Minutes
HISTORIC RESOURCES BOARD
City Commission Room, City Hall
1101 Poyntz Avenue
Monday, September 25, 2017
4:00 p.m.

Members Present: Betty Mattingly-Ebert, Christopher Banner, Cameron Tross, Kevin West, Craig Hager

Members Absent: Eileen Meyer

Staff Present: John Adam, Senior Planner; Ben Chmiel, Planner

1. Call to Order

Mattingly-Ebert called the meeting to order at 4:00 pm.

2. Consider the minutes of the previous meeting

Banner moved to approve the minutes; West seconded. Motion passed 5–0–0.

3. Bus Depot (212 South 4th Street) Construction Discrepancies

The building is a non-contributing structure in the Downtown Historic District, which in this case is a State and Federal, not local, district.

Chmiel explained the sequence of events that led to the building’s non-compliance with approved plans. In 2014 the HRB approved remodeling plans for the building that would have somewhat restored its original exterior appearance. The applicant strayed from that approval, as was noted by the HRB when a minor application was noted to them at their August 21 meeting. Notable departures from approval were the “tower” structure and limestone facing under the windows, plus removal of a proposed entry directly on South 4th Street. These design changes were not submitted to Code Services or Community Development staff for review. In addition, the building permit expired and Code Services had not been called to inspect the building, which would have afforded them the opportunity to observe the discrepancies. Since then the building has changed ownership.

Chmiel noted that because this building is in a State historic district suit could be brought seeking damages or reversal in district court. He offered staff’s opinion that the City Commission would not have an interest in pursuing this matter. He noted that staff is working on solutions to have better oversight of approvals so this kind of violation does not occur again.

West asked who the previous owner was. Chmiel reported it was Flint Hills Investments, LLC. West asked why the City could not settle the building permit

violations with them. Chmiel said Code Services would have to inspect the work that had been done under the previous permit when the current owner is issued a permit. West commented that there is little point to the permit process if the City is not going to enforce permits. Tross said the building was considered non-contributing because it was not old enough when the survey was done. He said the Board has asked the City to resurvey the downtown but no action has been taken. He added that a set of downtown design guidelines they developed have not been adopted because the City does not want to fight Downtown Manhattan Incorporated. Tross said it is his opinion that the tower needs to come down completely because it violates what was approved. He said he saw it being framed up over a period of months and the City apparently took no notice.

Adam said this appeared to be a unique case where the builder went for months without calling in for inspections; eventually the permit expired. West and Tross commented that if the City is not willing to enforce its approvals and permits, send a message to the builder community, and to the engineers and architects also, all of whom know that there are rules to follow, then there is no point to the Board existing.

Banner asked for clarification why staff thought the City Commission might not seek conformance with the original permit. Chmiel said that the avenue for compliance, district court, is a big undertaking for a building that is so minor in the scope of the historic district. It is not the Wareham, for example, he added.

Tross asked what action was expected of the Board on this. Chmiel said that if the Board cared to it could direct staff forward a recommendation to the City Commission that it pursue enforcement. The Board discussed resolving this issue before considering the current applicant's proposal to finish renovations. West asked if the current applicant was part of Flint Hills Investments.

Jarrold Willich, applicant under item 4, reported that he was not a partner of the previous owner.

Linda Glasgow, 2236 Newburg Drive, asked if a real estate agent would know if there was a violation in the disclosures. Tross said an agent would only know if the client told them that were the case.

The Board discussed what action they wished to take. Willich offered to remove the tower if that was the glaring problem.

Mattingly-Ebert tabled item 3 so it could consider item 4 and weigh its options.

4. Major Review application: Bus Depot (212 South 4th Street) renovation

Chmiel provided a staff report on the application to finish the building renovation. He recommended approval with two conditions: limit further application of rough-faced limestone facing and do not clad the tower in cement fiberboard siding.

Tross asked if the exterior walls were originally exposed masonry or clad in EIFS. Chmiel said the best evidence says that the brick was never exposed except for a rowlock under the windows, so it must have been covered in stucco.

Willich answered some questions about the height of the parapet wall with respect to obscuring the A/C units on the roof. He asked the Board if it would consider allowing him to move ahead with the finishing the interior even if they wish to recommend that City Commission seek a remedy on the exterior. He also asked consideration that he not have to remove the tower entirely, but cut it down to be in line with the current parapet.

West moved to find the proposal meets the Secretary of the Interior's Standards with the conditions recommended by staff plus the reduction of the tower to the existing parapet height. Tross asked if the applicant could bring the tower further down. Willich explained how that would not work. There was further discussion about details on limestone. Hager seconded. The motion passed 5-0-0.

3. [Resumed] Bus Depot (212 South 4th Street) Construction Discrepancies

Mattingly-Ebert suggested that staff investigate further and explain how this violation happened and what could be done to prevent it in the future. She wants there to be accountability. The Board agreed.

Tross moved to table the item pending further staff investigation; West seconded. Motion passed 5-0-0.

5. Minor Review updates

Chmiel covered a number of minor review applications he had approved, including a few signs and deck atop a first story for a second-floor apartment in an alley.

6. Updates and Announcements

Chmiel updated the Board on the Sunset area survey and the happy revelation of a survey done for eastern Ward 3 when the City was investigating an extension of McCall Road across Tuttle Creek Boulevard a few years ago. He reported that staff entered those data into the Kansas Historic Resources Inventory.

7. Upcoming Meetings

Monday, October 23, 2017, and Monday, November 20 or 27, 2017.

8. Adjourn

Mattingly-Ebert adjourned the meeting at 5:21 p.m.