

Minutes
HISTORIC RESOURCES BOARD
City Commission Room, City Hall
1101 Poyntz Avenue
Monday, October 23, 2017
4:00 p.m.

Members Present: Christopher Banner, Eileen Meyer, Craig Hager, and Cameron Tross, Vice Chair.

Members Absent: Kevin West and Betty Mattingly-Ebert, Chair.

Staff Present: John Adam, Senior Planner; Ben Chmiel, Planner; B.J. Edmonson

1. Call to Order

Tross called the meeting to order at 4:02 p.m.

2. Consider the minutes of the previous meeting

Banner moved to approve the minutes of the September 25, 2017 meeting. Hager seconded. Motion passed 3–0–1.

3. Johnny Kaw Discussion

Banner moved to table the discussion till the November meeting as requested by City Administration and The Friends of Johnny Kaw Committee. Meyer seconded. Motion passed 4–0.

4. Houston Street Stormwater Improvements.

BJ Edmonston, City Stormwater Engineer, introduced the project on future stormwater improvements in the downtown east watershed that would relieve pressure on the system. Mark Bachamp with Olsson Associates described how the project would keep stormwater off Poyntz Avenue and more effectively get it to the levy. The infrastructure would run down Poyntz and eventually through Huston Street in the Historic District. The infrastructure would run down the center of the street as not to disturb any trees or historic limestone curb.

Banner asked if the pipe would pierce the levy with this project. Bachamp explained that it would not, but it would tie into the existing system that traverses the levy. Edmonston added that the project would reroute existing infrastructure to parts of the system with extra capacity.

Tross mentioned there may be historic brick underneath the streets that this area would affect. Edmonston explained that core samples in the taken in area indicated no underlying brick.

Tross opened the floor for public comment. There were none.

5. Bus Depot (212 S. 4th Street) Construction Discrepancies.

Chmiel described the background of the issue, explaining that the Bus Depot Building's rehabilitation proposed in 2014 had departed from its original design, resulting in an inappropriate use of limestone and the addition of a parapet tower. Neither the owner nor contractor reapplied for a building permit, which would have triggered another historic review. Construction was nearly complete, but came to a halt. At this point, the building permit expired and ownership of the property had changed hands.

Chmiel explained the process of enforcing such violations, stating that there was no local enforcement mechanism tied to projects affecting state and nationally listed property and reviewed by the HRB, besides the City's ability to revoke or suspend a building permit. Enforcement of the current situation was at the discretion of the State Historic Preservation Office (SHPO) and the Kansas Attorney General who may pursue damages if a substantial enough case arose. Chmiel explained they had been thoroughly notified, however did not desire to pursue damages in this case.

Tross asked if that meant contractors could do whatever they wanted if they go through the review process and change their design during construction. Chmiel explained that Code Services ordinarily performs walk-throughs of buildings at different phases of construction, at which point they would notice a deviation from the original permitted design and required a reapplication of a building permit. In this case, construction came to a halt before any inspection was warranted and therefore changes went unnoticed.

Tross further explained that there were no checks and balances requiring applicants to do what they say they will do when reviewed by the Board for historic compatibility- noting the house at 222 S. 6th Street, reviewed earlier in the year, had undersized columns- and that applicants can get away with anything once they get through the historic review process. Chmiel addressed the issue of the house rehabilitation, stating that when looking over the minutes it was a bit unclear in the conditions of approval, moved by the Board, of exactly what was expected of the applicant in regards to the massing of the porch columns. Tross said it was implied earlier in the discussion with the applicant when comparing previous projects to the proposed one.

Chmiel agreed there were issues with the follow-up process and limitations on the City's ability to directly enforce violations of this nature. He explained that through the Unified Development Ordinance (UDO) process, a rewrite of the City's zoning and subdivision regulations, we would be able to insert language currently not in Chapter 17.5 of the City Code of Ordinances associated with enforcement of projects affecting state and nationally listed property. As well there were additional checks city administration would create as an internal policy, which would include follow-up walk-throughs with construction projects at scheduled intervals.

Tross asked if the Depot had been in a local district, if the city could enforce the violation. Chmiel said yes. Tross asked if the City could encourage any and all buildings listed on the state or national register to also be listed locally. Chmiel

explained that not many property owners desire local listing, since the local register requires the passing of a city ordinance and the level of scrutiny for changes to the building and site is much higher.

Chmiel reiterated the plan to introduce additional follow-ups with applicants as well as adding additional language regarding enforcement. He also said he would have the Board review the UDO modules once they are ready for review.

Hager asked if the current property owner of the Bus Depot had removed the parapet tower yet. Chmiel said they had not yet, but it appeared that the contractors were working more intensely on the interior of the building. Courtright noted that the building plans the applicant resubmitted showed the tower removed.

Tross opened the floor for public comment. Dixie West commented on Tross's notion on requiring state and nationally listed property be on the local register. She explained that the local register had more teeth and that it would be worth discussing with individual property owners. Though in her experience, it was a big process for property owners to pursue local listing and it might be frightening for property owners to impose additional regulations on themselves.

Kathy Dzewaltowski recalled there was a local district in downtown that predated the existing national register. Chmiel explained that there was a local district established in the 1980s still technically in effect, though projects are not reviewed for it because the trigger for those reviews were tied to an application for grant funding that doesn't exist anymore. He added that the district was much smaller than the state/national district today and only included properties along Poyntz Avenue.

6. Updates and Announcements.

Chmiel updated the Board on the progress of the Sunset Area Historic Survey. He explained that city administration met with the consultant, walked through the zoo with them, and handed over all known resources and leads for further information. Chmiel also noted that Phase I of Juliette Avenue brick rehabilitation was underway.

7. Upcoming Meetings.

The next meeting will be held on Monday, November 27, 2017.

8. Adjourn.

The meeting adjourned at 4:50 p.m.