

Minutes
HISTORIC RESOURCES BOARD
City Commission Room, City Hall
1101 Poyntz Avenue
Monday, November 27, 2017
4:00 p.m.

Members Present: Betty Mattingly-Ebert, Chair, Christopher Banner, Eileen Meyer, Kevin West, and Cameron Tross, Vice Chair.

Members Absent: Craig Hager

Staff Present: John Adam, Senior Planner, Ben Chmiel, Planner, Eddie Eastes, Director of Parks and Recreation, and Wyatt Thompson, Assistant Director of Parks and Recreation.

Public Present: Linda Glasgow, Betty Banner, and Kathy Dzewaltowski.

1. Call to Order

Mattingly-Ebert called the meeting to order at 4:04 p.m.

2. Open Public Comment

Glasgow spoke about the Juliette Avenue rehabilitation project, which had been brought to the Board for input in the past. She explained that tree removal was not discussed in that project; however, the mature trees along the street were removed and have not been replaced. She said that Riley County Historic Museum's perspective of the trees on Juliette Avenue being an important historic resource for the area, emphasizing that the trees should be replaced.

Tross asked how many trees had been removed. Glasgow understood that trees were being taken out due to conflict with utilities. She stated that the streetscape has been maintained with trees for a very long time. Wyatt Thompson confirmed that some trees were removed due to utility conflict, but many were spared from removal through some realignment. He explained that the City Forester would be assessing the appropriateness of tree replacement in the project, but was unsure what would result.

3. Consider the minutes of the previous meeting

Tross requested his statement about "requiring" local listing along with state and national listing be amended to suggest local listing be "encouraged". Mattingly-Ebert noted an incorrect date in reference to the tabling of the Johnny Kaw item. Tross moved to approve the minutes of the October 27, 2017 meeting as amended. Meyer seconded. Motion passed 3-0-2.

4. Work Session: Johnny Kaw Proposal

Glasgow explained the extensive “fakelore” of Johnny Kaw and the significant history of the statue itself as well as its local and regional cultural significance. Part of the proposal includes listing the statue on the State and National Register of historic places. Eddie Eastes described the nature of a proposal to make improvements to the site surrounding Johnny Kaw, which included landscaping and hardscaping at the base of the statue, increasing access and creating a small viewing platform. Eastes and Glasgow asked the Board for input on the improvements and the statues listing.

Tross asked if the changes would allow children to still approach the statue and climb on it. Eastes explained that improvements would still maintain access to the statue. Tross thought that the statue would certainly be eligible for the register and added that there should be more local cultural events centered on Johnny Kaw.

Meyer asked if Johnny Kaw was trademarked. Glasgow said it was something to look into, but was not sure. Mattingly-Ebert asked if the books were copyrighted. Glasgow explained that the original author, George Filinger, asked that the proceeds of the books go to the Parks and Rec department.

Banner asked if the proposal would jeopardize the historic integrity and intent of the original design. Glasgow explained that the original intent of the site was to be more decorated, but the funds were not there at the time of construction. She believed there would be no harm to the integrity or intention of the site.

5. Work Session: Unified Development Code Review.

Chmiel explained that the City was going through the Unified Development Code process to update and integrate City subdivision regulations as well as zoning regulations and how the process would touch on regulations affecting historic resources as well as the older parts of town in general. He explained that the process started in spring 2017 and is aiming to be wrapped up by fall of 2018. The consultant the City partnered with provided an early draft of the development code, which Chmiel presented. He specifically presented the Traditional Neighborhood Overlay (TNO) district as it is today and compared it to the Established Neighborhood Overlay district as adapted in the draft code.

Tross noted that combining the R-1 and R-2 into a single zoning district would impact neighborhoods recently downzoned to single family by allowing duplexes where they hadn’t been before. Chmiel explained it was something staff noted as well and was looking to address it so that single family zones wouldn’t be inadvertently upzoned as a result of combining districts.

In regards to lowering the minimum lot size from 7,500 square feet to 6,500 square feet, West asked if a property owner could simply ask for a variance to build on such a lot. Chmiel explained that they could, but the goal was to lower the lot size so that a property owner could by right build a home on a previously unbuildable lot without having to go to the Board of Zoning Appeals (BZA). West said 7,500 was the

standard before, and that going any smaller could be detrimental to the existing fabric of the older neighborhoods. Tross and West speculated how many properties would be affected by lowering the minimum lot size and how they would be affected. Chmiel explained that staff would be running tests on specific regulation changes to better understand the statistics of their benefit.

West noted that significant project milestones would land during the summer when many interested stakeholders might not be present to give their input. Chmiel explained that it is not ideal, but staff has and will continue to work with the consultant on the timeline as to work around such issues.

Banner understood that if an existing lot were undersized it would be grandfathered. Chmiel said that was true but expressed the concern that if an owner of those lots wanted to build a home or expand or improve their home in certain ways, they may be dis-incentivized to do so by having to go through the BZA. Tross explained that by relieving the lot size, there were fewer hoops for owners to jump through to improve their properties. Banner and West said they both had personal experiences going through the BZA process and did not find it burdensome.

In response to Mattingly-Ebert's question about lot coverage, Chmiel explained that the lot coverage was proposed to increase from 30% to 35%. They were not anticipating a substantial number of additions, but increasing the maximum to 35% better matches what the lot coverage of these neighborhoods are today and were one hundred years ago. Therefore homeowners could expand and improve their homes in ways that would match the character of the older neighborhoods without having to go to the BZA. Adam explained he assessed existing lot coverages in the TNO and found that many properties were already between 30% and 35% and increasing the lot coverage maximum would bring those older homes into conformance. Banner expressed concern of lot coverage creep, people asking for 40% if the lot coverage were increased to 35%. Adam replied that the same request could be made today, but they would still need a good reason to do so through the BZA.

Mattingly-Ebert expressed concern for the lot coverage increase lending itself to the issues with stormwater in the area. Adam agreed there were issues, but increasing the lot coverage by 5% would not make a big impact unless everyone were actively trying to get up to 35%. He also added that the bigger issue is in the fact that there is no regulation on impermeable surfaces. For instance, a property owner could pave their whole backyard with a patio and there are no regulations preventing it, but people are not doing it. West pointed out that there is however a persistent issue with people paving their backyards for parking, particularly with multifamily and duplexes. Chmiel explained that including permeability requirements was a part of the general discussion with the general regulations even outside of the TNO area. Tross also expressed concern about properties being able to pave their entire backyards, particularly with subdivided homes. Chmiel explained that there was a general theme of differentiating treatment of subdivided homes versus single-family homes, so it would be fairly simple to address.

Tross noted that the sidewalk material regulation proposed would require some property owners to replace their brick sidewalks with concrete. Chmiel agreed that would be bad. West noted that as far as fences, color should not be regulated. Chmiel agreed. West also asked if the word “shall” means “must”. Chmiel explained that it did mean that, however, staff is trying to shy away from the word “shall” and using “must” instead and to be consistent with it. Referring to proposed landscaping requirements, Tross voiced concern for the upkeep of landscaping and lawns. Adam explained that regulating single-family home landscaping is probably going too far, but street tree requirements is something staff is looking to keep.

West and Tross thought that language in the regulations should be included to discourage slab-grade homes incompatible with the traditional home design.

Tross had concern about only giving a porch a five foot relief from the setback. Chmiel explained that porches could be larger than five feet, but the house would have to be set back further. Adam also explained that a minimum porch depth has been discussed, and is something staff is exploring. Tross noted a diagram describing setback averaging was confusing and should be better explained.

Meyer asked if tiny homes were possible given the regulations. Chmiel explained there was no minimum house size or minimum lot coverage, currently or proposed, so it is possible for an individual lot to have a permanent “tiny home”. Minimum house size is dictated more by code requirements in which what was deemed a house would more or less be required to be a certain size not much larger than what would be considered a “tiny home”. Chmiel also explained that in the Unified Development Code provisions were made to accommodate tiny home villages similar to a mobile home park, but that a minimum district size requirement would not allow a single lot in the TNO to accommodate one.

Mattingly-Ebert opened the floor for public comment. Glasgow noted that the City has expressed a policy of not planting new street trees in front of rental properties and thought that should be reconsidered. Betty Banner said she did not want tiny homes in her neighborhood. Dzewaltowski expressed concern that side street setbacks should encourage more uniformity.

6. Minor Review Update: 121 South 4th Street (Marshall Theater Building) Alteration.

Chmiel presented alterations to the Wine Dive and Kitchen, which proposed to convert part of an existing bakery space into dining space. The Board had no comment.

Tross added to the TNO discussion that mechanical equipment screening should be addressed. Chmiel explained that it is something regulated in other districts and that it is something staff is looking to address citywide through the Unified Development Code process.

7. Updates and Announcements.

Chmiel passed along a request for HRB interest forms from the City Manager's Office. The Board was encouraged to notify anyone they might know who would be interested in serving on the Board.

8. Upcoming Meetings.

The next meeting will be held on Monday, December 18, 2017.

9. Adjourn.

The meeting adjourned at 5:51 p.m.