

Minutes
HISTORIC RESOURCES BOARD
City Commission Room, City Hall
1101 Poyntz Avenue
Monday, October 25, 2021
4:00 p.m.

Member	Present	Absent
Kevin West	X	
Phil Anderson	X	
Jana Fallin, Chair	X	
Tom Hanson	X	
Troy Henningson	X	
Tanner James	X	
Bethany Pingel		X

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

Public Present: 2

1. MEETING OPENING

Fallin called the meeting to order at 4:00 p.m. Staff performed roll call and confirmed a quorum.

Public comments: none

Anderson moved to approve the minutes from the September 27, 2021 meeting with minor corrections. Hanson seconded. Motion carried 4-0-2, Henningson and James abstaining.

2.1. MAJOR REVIEW: 111 N. 4th Street (Charlson & Wilson Abstract Co.) Façade Amendment

Anderson recused himself from item 2.1.

Chmiel presented the [staff report](#). The applicant previously received approval for interior renovations and for the addition of three small windows to the façade, as well as minor alterations to the entryway. Since the last meeting, based on information that most of the building was constructed in 1972, the state reclassified the building as noncontributing. The proposed amendment increases the size of the windows and puts them in line with existing joints and adds two additional windows on the north side of the façade, near the entrance. Staff expressed some concerns with standards #2 and #5 of the Secretary of the Interior Standards, based on the amount of brick that would be removed as part of the project.

City Administration recommends approval of the building permit associated with the façade redesign at 111 N. 4th Street (Charlson & Wilson Abstract Co.), based on the findings above that the proposal meets the Secretary of the Interior’s Standards.

Fallin opened the public hearing.

Callie Marks, co-owner of Charlson and Wilson, stated that the previously approved proposal matched neither the desires of the owners or the Historic Resources Board. She asked that the Board also reconsider the original proposal from the previous meeting based on the reclassification of the building as noncontributing. Marks stated that the entryway was wider in the original proposal and spoke to the idea that this is beneficial for elderly costumers. The existing entryway limits the amount of physical assistance that can be provided. She asked that if the Board cannot or is unwilling to approve the original design, that the amendment being sought in the present meeting be approved.

Chmiel stated that to approve the original proposal would create due process issues. He stated that since the proposal was not included in the packet and it was not construed to be the intended design they were seeking approval for, members of the public would not receive sufficient notice to attend the public hearing should they desire to speak on it. There was some discussion from members of the Board as to whether a decision could be made on the original proposal considering that it was previously presented, but it was ultimately determined that the decision could not be made at the present meeting. The Board determined that a special meeting could be held later to consider the original proposal. Marks stated that a decision on the current amendment would be beneficial regardless of whether the original proposal were to be considered at a later meeting.

Hanson expressed concerns about the widened walkway outlined in the original proposal bringing the joints of the windows out of line with the existing control joints. Hanson stated that the current proposed amendment is a good compromise between the previously denied and approved proposals.

West stated his opinion that the fact that the building is noncontributing should limit the amount of control HRB should have on the design. He asked if the original proposal would have had a recommendation of approval from staff if the building was noncontributing at the time. Chmiel stated that the information is too new for staff to consider the original proposal with the reclassification.

Marks stated that they would like a special meeting to occur to consider the original proposal.

Fallin closed the public hearing and started board discussion.

West moved that the Board found that the proposal met the Secretary of the Interior's Standards for the Treatment of Historic Property as reviewed in accordance with K.S.A. 75-2724 and would not damage or destroy any historically significant property or historic character-defining features. Hanson seconded. Motion carried 5-0-0.

A special meeting was set for November 1, 2021 at 12:00pm, to consider the original proposal.

3.1. WORK SESSION: Manhattan Development Code (MDC) Overview

Chmiel presented a video explaining the differences in the existing Traditional Neighborhood Overlay (TNO) and the new Established Neighborhood Overlay District (O-EN) which will take its place with the adoption of the MDC. The primary changes address minimum lot sizes, front-yard setbacks, and lot coverage to increase the level of compliance of existing structures within the district. Existing vehicle access standards are being kept from the existing zoning codes. New regulations also require removed street trees to be replaced. Some minor alterations were made to existing design standards, including

allowances for porches to be closer to the property line than they are currently permitted to be today. Duplexes would become a permitted use instead of a conditional use in districts that previously allowed duplexes and new requirements were added to require visible distinction between dwelling units in a duplex. These regulations will be going to the Planning Board on November 1st, and to the City Commission on November 16th.

Fallin called for questions for staff.

Anderson asked if there is a document that compares all differences between the existing Zoning Regulations and the MDC. Chmiel stated that there is no document that identifies every difference because of the difference in how the documents are organized. Anderson asked if there was an overview of general differences between the documents. Chmiel stated that there is a video series on the City's YouTube page that addresses general changes. Adam stated that there is a comparison spreadsheet that could be sent to the members of the Board. Anderson asked if this spreadsheet was available on the City website. Adam stated that it is not because it is intended as a tool for staff to compare regulations for future zoning cases.

Fallin and Henningson both stated their appreciation that the regulations better represent the neighborhoods as they exist.

West asked what is considered "coverage" when considering lot coverage standards. Chmiel stated that this refers only to the percent of the lot covered by the buildings themselves, not including driveways or other groundwork. West asked if this could be changed to include driveways and other impermeable surfaces. Adam stated that this would have much larger ramifications and would not reasonably be possible. There are, however, existing limitations on driveway width that would need to be considered; parking lots are prohibited in front yards.

Anderson expressed concerns that were not limitations on the amount of impermeable surface on properties in the O-EN district. Chmiel stated that there was an attempt to provide parking maximums to mitigate potential issues with this but the maximums were removed per City Commission request.

West stated his belief that the 30-percent lot coverage maximum is reasonable and simply requires a more rigorous process if the property owner wishes to exceed this amount. Chmiel explained that the new 35-percent requirement is intended to increase the level of compliance and better represent the built environment, not solely to reduce the number of BZA cases. Chmiel further stated that the lot coverage for other residential properties outside of the TNO is currently 35 percent and that it would make little sense to reduce this in the TNO/O-EN due to the smaller sizes of the lots. Chmiel stated that there are high levels of approval of exceptions to lot coverage requirements in the TNO from the BZA. Adam stated that this represents that the existing code does not match the desires of the community.

Henningson asked if there were any requirements relating to the size and caliber of trees replacing removed street trees. Chmiel showed the section of the MDC that states that the replacement tree must be approved by the City Forester.

Fallin opened the public hearing.

Mel Borst expressed concerns about the difficulty of understanding the differences between the current Zoning Regulations and the MDC. He further stated his concerns about the changes that might occur to

development in the TNO with the passing of the MDC, citing concerns about super duplexes and other development that might push the boundaries of the regulations. He expressed a desire to see some illustration of what a developer might be able to construct under the new regulations. He expressed particular concern with how a developer might acquire two adjacent properties and build a large structure on them. He stated concerns about the possibility of increasing property taxes that might come from new development and the potential damage that could be done to the community based on the reduction of the restrictions as they exist today. Borst expressed concerns that roof overhangs can greatly exceed the lot coverage of the structures themselves. Adam stated that there are limitations that would prevent from rooflines/overhangs from getting too close to adjacent property lines. Borst additionally stated concerns about the lack of limitations of impermeable surfaces.

Anderson asked if there was any limitation on a property owner being able to buy an adjacent lot a build a larger structure on the two lots. Chmiel stated that there is no limitation on that in the current zoning codes or the MDC, but that the chance of this occurring would be less likely due to the greater allowance of lot coverage provided in the MDC.

Borst expressed concerns that the changes in the MDC are being made only to reduce the workload of the BZA and would cause rippling effects that allow undesirable development. Chmiel stated that the huge majority of BZA cases that would be affected by the changes in these regulations are already being approved. Additionally, the new regulations are intended primarily to better represent the neighborhoods in the TNO and to make new development better match existing properties. Adam further stated that since the BZA has been getting nearly identical requests in mass that have been getting approved, the current regulations are flawed.

Borst once again asked for some sort of visual demonstration of what a developer is able to construct with the new regulations.

In reference to an earlier statement of Borst relating to lack of limitations on impermeable surfaces, Adam stated that new regulations require a review of drainage plans for new development that would limit effects on adjacent properties.

Fallin suggested having additional educational sessions relating to the MDC even after its adoption so its effects can be greater understood. Anderson suggested having regular updates on how well the O-EN is working as intended.

3.2. WORK SESSION: Board Priorities

Fallin suggested that the board continue to look at potential of the area on Yuma Street near the old USO Building (Douglass Center Annex).

West suggested looking at the priority list of historic studies and updating the list. Chmiel stated that the priority list is usually considered whenever CIP recommendations need updated (probably in December).

Borst stated that there were previously historic environs laws that protected the areas around historic properties and stated that zoning is now the only protection for these properties since those laws were repealed.

West asked if the new procedure for creating historic districts worked well and as intended. Chmiel stated that the Lee Elementary Historic District went through successfully and the process worked well without any issues raised by the applicant.

4. MINOR REVIEWS

Chmiel presented a minor review for 311 Houston Street for signs on the façade. The Board had no comments.

5. UPDATES AND ANNOUNCEMENTS

Chmiel explained that the Boys and Girls Club submitted an appeal to the City Commission for the demolition of the property located at 212 S. 5th Street. The hearing would be on November 16th, and the City Commission will consider whether there are feasible and prudent alternatives. Anderson suggested that, in the event that the City Commission approves removal of the building, the applicant be wait 60 days in order to give the structure itself away. Chmiel stated that the applicant seemed relatively open to the idea but that the City Commission could likely not require that.

Henningson asked Chmiel to explain what environs are and why they no longer exist in Manhattan. Chmiel explained that, prior to 2012 or 2013, there was a 500-foot buffer around historical properties or districts which required properties within these buffers to have review of alterations and development. He said the state repealed this requirement in 2012 or 2013.

Borst asked if the building that the Boys and Girls Club is seeking to demolish would be eligible for tax credits for rehabilitation. Chmiel stated that it would not, based on its current noncontributing designation, but if the façade siding was restored, it may be considered contributing again.

6. FUTURE AGENDA ITEMS

The work session on board priorities was moved to the next meeting.

7. ADJOURNMENT

Fallin adjourned the meeting at 5:39 pm. The Special meeting would be held November 1, 2021 in City Hall.