

CITY OF LEAVENWORTH PRESERVATION COMMISSION

COMMISSION CHAMBERS, CITY HALL

100 N 5th Street, Leavenworth, Kansas 66048

Wednesday, September 2, 2020 6:00 PM

The Leavenworth Preservation Commission met Wednesday, September 2, 2020. Chairman Rik Jackson called the meeting to order at 6:00 p.m. Commissioners present in the commission chambers were Ken Bower and Debi Denney. Mr. Gibson arrived at 6:10 p.m. Other commissioners present via GoToMeeting were Ed Otto and Sherry Hines Whitson. Also, present in the commission chambers were Planning Director Julie Hurley, City Planner Jackie Porter and Administrative Assistant Michelle Baragary.

Chairman Jackson noted a quorum was present and called for a motion to accept the minutes from August 5, 2020 as presented. Mr. Otto moved to accept the minutes as presented, seconded by Ms. Whitson and approved by a vote of 4-0. Mr. Bower abstained.

OLD BUSINESS

1. 2020-25 LPC – 325 DELAWARE

A State Law review under the US Secretary of the Interior's Standards for Rehabilitation for the proposed exterior alterations of the property located at 325 Delaware Street, a property located in the Downtown Historic District, a historic district listed on the National Register of Historic Places. A Major Certificate of Appropriateness is required for the proposed alterations to the front of the building.

Chairman Jackson called for the staff report.

City Planner Jackie Porter stated a State Law review for the proposed exterior alterations of the property located at 325 Delaware Street, a property located in the Downtown Historic District.

The applicant and owner, Dave C. Richards, is renovating the second floor of the property located at 325 Delaware to add a living space to be occupied by his family. Previously, the second floor of the property had been used for storage. The first floor of the property is currently occupied by the Island Spice restaurant, which is also owned and operated by Mr. Richards.

To add access to the second floor living space, Mr. Richards added a staircase and exterior door on the north side of the property, facing Delaware Street. The addition of this door removed several existing windows and replaced them with sheetrock and a tan steel door, which is not consistent with the historical nature of the building. The applicant is proposing to replace the existing door with another door featuring iron scrollwork.

In February 2020, staff became aware Mr. Richards was performing the work on the second floor of the building without applicable building permits and approvals, and a stop work order was issued. After review of interior work that had been completed, a Minor Certificate of Appropriateness was issued to cover that work as well as the future installation of a fire escape on the rear of the building. It was determined that the only changes requiring review by the Leavenworth Preservation Commission and approval of a Major Certificate of Appropriateness are the modifications to the exterior of the building, consisting of the removal of existing windows and installation of the door and sheetrock. Mr. Richards understands any future alteration to the exterior of the property will require review by the Preservation Commission prior to work commencing.

As requested in the previous meeting by the Preservation Commission, Mr. Richards and city staff corresponded in creating a conceptual image of the door. This proposed door is based on other doors throughout the downtown area.

REQUIRED REVIEWS:

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

The existing structure has undergone a physical change by replacing an existing storefront window to a doorway. The structure has undergone some cosmetic changes, the stone base and window have been removed and replaced with a door.

2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

The proposed renovation has compromised the integrity of the historical significance of the property by removing an existing window and stone base.

3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

The current door is a basic tan galvanized steel door. This type of door does not create a false sense of historic architectural element. However, it is not consistent with the style of the building.

The proposed future door is a matte black clear iron door. This type of door would create a false sense of historical architectural element, as it does not accurately represent the historic period of the building.

4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.

There have been prior changes to the building. It appears the store front was repainted and awnings were added between April 2017 and May 2018. There was no minor certificate on file for this work. It appears the portion that is currently green was painted tan prior to May 2018. A mural was painted on the back of the building and was approved by the Leavenworth Preservation Commission in August 2019.

5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.

It appears the existing historic features, finishes or construction techniques will be altered. The stone base of the window has been removed.

6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities, and where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

The change that has occurred has altered the exterior of the building by removing the stone base and window. These changes currently do not match the façade of the building. The purposed future door will not match the façade of the building.

7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

No chemicals or physical treatments are proposed.

8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

No known significant archeological resources exist for preservation.

9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

The changes that have occurred have altered the historic material and detail that characterize the property.

10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

The removal of the window and stone base, and addition of sheetrock and steel door have been undertaken in such a way the integrity of the façade has been compromised. Their future removal would require extensive work to restore the historical integrity of the façade.

STAFF RECOMMENDATION:

Staff recommends **APPROVAL** of this request based on the analysis and findings included in this report.

ACTION/OPTIONS:

- Approval, based upon a point by point review of Preservation Commission findings as stated.
- Disapproval, based upon a point by point review of Preservation Commission findings as stated. (applicant may appeal to the City Commission)
- Motion, to Table item until the next meeting for the purpose of further study.
- Motion, to forward to the SHPO for review.

Chairman Jackson asked if the applicant had any additional input he would like to provide to the commissioners.

The applicant, Dave Richards, stated he appreciated all the help staff provided him with choosing a door that compliments the area.

With no one wishing to speak, Chairman Jackson called for a motion. Mr. Otto moved to approve the request for 325 Delaware, seconded by Ms. Whitson and approved by a vote of 6-0.

NEW BUSINESS

1. 2020-31 LPC – 28 PASSAGEWAYS

A State Law review under the US Secretary of the Interior's Standards for Rehabilitation for the proposed installation of a public art project at multiple locations within the Downtown Historic District.

Chairman Jackson called for the staff report.

Planning Director Julie Hurley stated the Leavenworth Main Street organization is proposing an outdoor painting competition called First City Passageways, in which artists will install a painting on pre-selected doors or passageways in the downtown area. Artists will be required to submit concept renderings to the Main Street Selection Committee prior to installation of the paintings.

Main Street has submitted a list of 4 locations to be considered for this project. Additional locations were originally discussed, however, the required consent of the individual property owners was not obtained in order for those locations to be considered. It is anticipated that a separate application with additional locations will be submitted for review in the future. The 4 locations under consideration are:

414 Delaware

505 Delaware

523 Delaware

201 Delaware (was incorrectly listed on the policy report as 210 Delaware)

Representatives of the Main Street organization were present to discuss this project at the March 4, 2020 LPC meeting. At that time, staff indicated that conceptual renderings for each location would need to be approved by the LPC. No conceptual renderings have been submitted as part of this application.

REQUIRED REVIEWS:

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

No structures will undergo a change in use or defining characteristics.

2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

No historic materials will be removed or altered.

3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

No changes will be undertaken that create a false sense of historical development.

4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.

No features with historic significance will be altered.

5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.

No features with historic significance will be altered.

6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities, and where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

No features are proposed to be repaired or replaced.

7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

Paint will be applied to the structure as part of the installation of the art project.

8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

No known significant archeological resources exist for preservation.

9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

No new additions or physical alterations are proposed.

10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

No new additions or construction are proposed.

ACTION /OPTIONS:

- Motion, to approve the First City Passageways project at the 4 specified locations.
- Motion, to deny the First City Passageways project at the 4 specified locations.
- Motion, to Table item until the next meeting for the purpose of gathering additional information.
- Motion, to forward to the SHPO for review.

Chairman Jackson opened the public hearing and asked if the applicant Wendy Scheidt would like to speak.

Wendy Scheidt, Leavenworth Main Street, provided staff a document detailing the painting competition, which was distributed to the commissioners. Ms. Scheidt stated a callout to the artist will be from September 3rd – 12th, in which the artists will receive a listing of all locations for the project. The artists will provide their first, second and third location preference. Leavenworth Main Street Design Committee will select 14 artists. The artists selected will be notified September 18th. Concept renderings must be submitted to the Selection Committee by Sept 30th. The painting competition will be October 9th – 18th.

Mr. Jackson stated the commission may have difficulty approving this since the renderings are not due until the September 30th and the project is scheduled to start October 9th. Mr. Jackson further stated he has some reservation on how the commission can accommodate with that short of a window.

Ms. Scheidt stated during the March 4, 2020 meeting she must have misunderstood what staff stated would be required of her; she thought only addresses were required. Ms. Scheidt further stated during the March 4, 2020, meeting she informed the commissioners that the paintings would apply to common decency standards, whimsical, thoughtful, family friendly that would encourage exploration of the downtown area.

Ms. Hurley stated the minutes from the March 4, 2020 meeting is included in the agenda packet, which states in the minutes Ms. Scheidt had asked for clarification that all renderings would need to be approved by the Preservation Commission and staff confirmed that they would.

Chairman Jackson called for discussion among the commissioners.

Mr. Bower stated he is concerned on how to make this happen in such a short period of time and with the project occurring during October/November timeframe due to potential issues with the weather. He does feel comfortable enough with the Main Street organization that they would not allow something to be put on a building that is not appropriate.

Mr. Gibson asked for clarification there are 14 potential passageways/locations and the renderings shall be submitted to Main Street by September 30, 2020.

Ms. Scheidt responded in the affirmative.

Mr. Gibson stated the next Preservation Commission meeting would be October 7, 2020, which is after the submittal date for the renderings.

Ms. Scheidt stated the project will probably have to be moved to the fall.

Mr. Gibson stated he is trying to clarify dates and times to form a clear timeline.

Ms. Scheidt responded the "call to artists" was going out tomorrow after the commission approves the locations tonight. The "call to artists" is from September 3 – 12, 2020. The artists would submit their preference on a door or opening. The artists would be notified of which door/opening they received. At this time the artists would work on their concept drawing and submit it to Main Street by noon on September 30, 2020. This will allow the design team to review the conceptual drawings and allow the property owner to view them as well. Ms. Scheidt stated the conceptual drawings would just be an "idea" not a full rendering. The artists would paint the passageways October 9 – 18, 2020.

Ms. Scheidt further stated the new mural on the Main Street building was painted through the winter and into the spring. Ms. Scheidt believes the 10 – 12 days provided to the artists for the current project would be sufficient time for them to finish.

Ms. Scheidt stated submitting the renderings to the commission is not the issue. The issue is getting the renderings to staff 30 days prior to the next Preservation Commission meeting; and if that is the case, this project will need to be delayed until spring.

Ms. Hurley believes the schedule of events needs to be adjusted and reconfigured a little bit. If the board still would like to see the conceptual renderings in order to approve those as part of this project, it may make sense for Main Street to put out their "call to artists", go through their process up to the point that they get the locations assigned to the artists, receive/review the conceptual renderings and then submit that information to staff as part of the application for all the locations in the historic district by the deadline date for whatever commission meeting they would like to attend. Staff could then properly advertise, as required by law, of the locations and project. The project would then come before the commission as a full package for review, instead of piecemealing it together.

Mr. Bower asked if the board needs to officially approve the concepts.

Ms. Hurley stated that would be up to the board.

Mr. Jackson asked about the Design Committee.

Ms. Scheidt responded the committee includes Carolyn Kelly (Home 2 Suites), Marty Pope (Reunion Antiques), Kristi Lee (CVB), Lisa Hack (LCDC) and herself. Theresa Cleaves, along with others, help with the “call to artists”.

Ms. Scheidt stated she did not realize the board would be approving all 14 locations.

Ms. Hurley stated the board is only reviewing the four properties located in the historic district. Originally, Ms. Scheidt submitted nine addresses in the historic district. Of those nine, Ms. Scheidt provided staff with owner consent forms on four of the properties. Those four properties are on tonight’s agenda. Staff is unaware of the other addresses outside of the historic district, as those addresses are not required to come before this board.

Mr. Jackson stated the board is required to review some type of rendering for the four properties in the historic district before the commissioners can approve the project. This does not impede the other addresses located outside the historic district from moving forward. Mr. Jackson further stated it is this board’s responsibility to review the renderings and until concept drawings are provided the four properties located in the historic district should be eliminated.

Mr. Bower asked if it is Mr. Jackson’s position that the board look a renderings or could the board give a little flexibility to Main Street so they can move forward with the proposed project.

Mr. Jackson stated his position is that Main Street still can move forward with the addresses outside of the historic district but the guidelines the board operates under requires the board to at least look at a rendering for the addresses in the historic district.

Mr. Bower stated he is not in complete agreement with that.

Mr. Jackson stated he is in support of the project but does not want to set a precedence of not reaching the guidelines established for the board to allow someone to do something in an historic district without complete review from the board.

Ms. Hurley responded that would be for the board to discuss and decide. She further stated she based the 10 required reviews as not having renderings and just the overall concept of applying an art to a wall in an historic district. As with any project that comes before this commission, it is up to the commissioners if they feel like they have seen enough information to feel comfortable letting the applicant move forward with a project.

Mr. Gibson asked if the renderings must be published 30 days prior.

Ms. Hurley responded when an item comes before this board, staff is required to publish the location, legal description of the property and a description of the project, which has already been done for the four properties for the Passageways project.

Mr. Gibson stated his opinion is that the applicant can move forward with the project for the properties outside the historic district but the four properties within the historic district must follow the rules of the Preservation Commission, which would include renderings for the commissioners to review.

Ms. Hurley asked Ms. Scheidt how many properties are located outside the district.

Ms. Scheidt stated they have 14 total properties; 4 within the historic district and 10 outside the historic district.

Mr. Jackson stated he feels the board has an obligation to review the renderings.

Ms. Hurley stated the board could give consensus that they are okay with the four locations and asked the applicant to come to the October 7, 2020 Preservation Commission meeting with the renderings. This would allow the applicant to move ahead in their process. Then pending the board's final approval on October 7th, the project could start on schedule on October 9, 2020.

Ms. Scheidt asked if the renderings are due 30 days prior to the next meeting.

Ms. Hurley responded in the negative stating this is already an ongoing project so this item would be scheduled for the October 7, 2020 meeting (no additional publications required). The renderings are due to Main Street by September 30, 2020; therefore, staff would need them by the next day so the agenda packet can be compiled and provided to the commissioners prior to the October 7th meeting.

Mr. Bower stated he does not feel this is necessary. Main Street is trying to do good things for the City of Leavenworth. If the commission gives Main Street carte blanche with these four locations, what happens if the commission does not like the renderings; will the commission deny them. Mr. Bower further stated this is a good project that he feels should be moved forward.

Mr. Gibson stated this would set a precedent and has concerns doing so. What happens in the future when someone requests an exception because the commission did not require Main Street to provide renderings.

Mr. Bower stated the answer would be "who's bringing the project to the board". The board knows Main Street and what they do. If an applicant, who the board does not know, submitted a project, then the board would require renderings. Mr. Bower further stated there have already been two murals installed on walls in the Downtown Historic District without first coming to the Preservation Commission for approval. The applicants submitted an application after the fact to ask for forgiveness. Main Street is doing it the right way and coming to the board for permission.

Mr. Gibson stated the commission is not delaying their process. The only delay that would occur is if one of the renderings were denied by the commission.

Mr. Bower stated he does not feel this commission has the right to deny the project on a rendering. Mr. Bower believes he knows the organization well enough that inappropriate artwork will not be an issue. Mr. Bower feels comfortable to approve the project without reviewing renderings.

Mr. Gibson clarified that his comments are strictly regarding precedent; not against Main Street as an organization.

With no one else wishing to speak, Chairman Jackson opened the public hearing. As no comments were made, Chairman Jackson closed the public hearing and called for discussion among the commissioners.

Mr. Otto stated his only concern is current volatile political atmosphere. Wants the art to be historical and not political.

Ms. Scheidt stated no political references will be in the renderings. This could be added to the guidelines on what is and is not allowed in the art.

With no other comments, Mr. Bower moved to approve the First City Passageways project located at 414 Delaware, 505 Delaware, 523 Delaware, and 201 Delaware, seconded by Ms. Denney and approved by a vote of 6-0.

Ms. Hurley did note for the record that Main Street does have other locations in the historic district in mind and if at some point Main Street wants to move forward with these other locations, they will need to come back before this board as a separate application so the publication, notification and review requirements can be met.

Ms. Scheidt asked as a courtesy if Main Street should come back to the October 7, 2020 meeting so the commissioners can see the four renderings.

Ms. Hurley responded Ms. Scheidt can email the renderings to staff and staff will forward them to the commissioners as an informational email.

Chairman Jackson stated if any future items are going to come to the Preservation Commission, the renderings will need to be included so everyone is on the same page.

Ms. Scheidt stated she will work with staff on the timelines for the spring project. She further stated she had provided staff with incorrect addresses and that Ms. Hurley did explain that the \$200 application fee will need to be submitted for any additional addresses in the historic district other than the four that are being reviewed at today's meeting.

Ms. Scheidt further stated other projects going on include the Fun History 101 5k history walking tour at Haymarket Square, renovations of message boards, and banners for the 13 municipal parking lots indicating free parking in the downtown area.

OTHER BUSINESS/CORRESPONDENCE

1. Other Business/Correspondence

Ms. Hurley noted there are six Minor Certificate of Appropriateness for the board's information.

There will not be an October meeting.

With no further discussion, Chairman Jackson called for a motion to adjourn. Mr. Gibson moved to adjourn, seconded by Ms. Denney and approved by a vote of 6-0.

Meeting was adjourned at 6:55 p.m.

JH:mb