



LEAVENWORTH PRESERVATION COMMISSION MINUTES
COMMISSION CHAMBERS, CITY HALL
100 N 5th Street, Leavenworth, Kansas 66048
WEDNESDAY, April 5, 2023, 6:00 PM

CALL TO ORDER:

Board Members Present

Rik Jackson
Ed Otto
Ken Bateman
Dick Gibson

Board Member(s) Absent

Sherry Hines Whitson

City Staff Present

Michelle Baragary
Bethany Falvey

Chairman Jackson called the meeting to order at 6:00 p.m. and noted a quorum was present.

APPROVAL OF MINUTES: March 1, 2023

Chairman Jackson asked for comments, changes or a motion on the March 1, 2023 minutes presented for approval. Commissioner Gibson moved to approve the minutes as presented, seconded by Commissioner Otto and approved by a vote of 4-0.

OLD BUSINESS:

None

NEW BUSINESS:

1. 2023-08 LPC – 325 DELAWARE STREET

A State Law review (K.S.A. 75-2724) for proposed modifications to the property located at 325 Delaware Street, a property located in the Downtown Historic District, to determine if the project meets the Standards for Rehabilitation as set forth by the Secretary of the Interior.

Chairman Jackson called for the staff report.

City Planner Bethany Falvey stated the proposed modifications to the property located at 325 Delaware Street, a property located in the Downtown Historic District, under the Secretary of the Interior's Standards for Rehabilitation. The scope of work includes the construction of a two-story, freestanding wood deck in the rear.

The subject property is located in the Downtown Historic District, which was listed in the Register of Historic Kansas Places and National Register of Historic Places in 2002. The brick building is a two-story Italianate style commercial block. The property is a contributing structure to the district. The nomination notes that it retains its original configuration and second-story architectural elements, including the cast iron storefront and full arch windows with window hoods.

The property has an existing deck on the ground level. This project is proposing to expand the deck to the second floor, to an existing door. The existing fire escape will be removed and replaced with the proposed wood, two-story, freestanding deck in the rear of the building.

REQUIRED REVIEWS:

The proposed project shall be reviewed utilizing the Standards for Rehabilitation as set forth by the Secretary of the Interior:

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 such change is proposed.

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 rear deck project will not remove or alter historic features.

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 such change is proposed.

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

No such change is proposed.

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

No such change is proposed.

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 such change is proposed.

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 such change is 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 ground disturbing work is proposed.

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 proposed wood deck is in the rear and is differentiated but compatible with 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.

No such work is proposed.

ACTION /OPTIONS:

- Motion, to determine that the proposed changes to 325 Delaware Street do not damage or destroy the Downtown Historic District.
- Motion, to determine that the proposed changes to 325 Delaware Street does damage or destroy Downtown Historic District.
- 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 called for questions about the staff report.

Commissioner Gibson asked if the deck is attached or anchored to the building.

Ms. Falvey responded that the deck is not attached or anchored to the building.

Chairman Jackson asked what the capacity is for the proposed deck.

Ms. Falvey stated the deck will be anchored into the ground, and that Building Inspections will review the proposed deck when the applicant applies for building permits.

Commissioner Bateman stated this is probably a building code question but he is wondering how far away the deck needs to be from the vent. There should probably be some standoff between the exhaust fan vent from the stove.

Ms. Falvey will ask Building Inspections that question.

Although it does not pertain to this issue at hand, Commissioner Gibson asked if the Preservation Commission approved the black paint on the rear wall.

Commissioner Bateman responded in the affirmative stating the property owner had already painted the rear wall of the building prior to coming to the Preservation Commission.

Ms. Falvey stated painting does not require a permit so it would not be reviewed by this board.

Commissioner Gibson asked even if it is in a historical district.

Ms. Falvey responded if it does not require a permit then this board does not have any action to take. However, if this board was reviewing a project and painting the building was part of the project then this board could review painting of the building because the whole project is being reviewed; but by itself, painting it does not require a permit in the City of Leavenworth so staff would not know that painting of a building is happening.

Planning Assistant Michelle Baragary stated signs painted on walls of a building would require a sign permit.

Commissioner Bateman stated the property owner of the subject property more specifically came before this board for painting of the lion's head and not just the painting of the wall.

With no further questions or discussion among the commissioners, Chairman Jackson opened the public hearing. With no one wishing to speak, Chairman Jackson closed the public hearing and called for a motion. Commissioner Bateman moved to approve the construction of the proposed freestanding wooden deck that complies with city building codes, seconded by Commissioner Otto, and approved by a vote of 4-0.

2. 2023-11 TXT – ARTICLE 9

Review proposed text amendments to Article 9 of the adopted Development Regulations.

Chairman Jackson called for the staff report.

City Planner Bethany Falvey stated the City Commission adopted the Development Regulations in June 2016 after a yearlong comprehensive update process. The Historic Preservation section, Article 9, has not had a comprehensive update since that time. This update will ensure it remains up to date and comprehensive. The proposed amendments update the code to reflect current practice and laws, add clarification to current practices and policies, and reorganize the existing Article for better flow.

- Removes references to the Environs portion of the Kansas State Preservation Law, which has been removed from the law.
- Removes inconsistent language and corrects language throughout to match current practices.
- Adds clarification and language to differentiate between review processes.
- Combines the section regarding "Alteration, Expansion or Demolition – Major" with Section 9.16 "Procedure for Demolition, Alteration or Expansion".

Ms. Falvey further stated there is an addendum to page two, section 9.04. The Planning Commission reviewed Article 9 text amendments on April 3, 2023, which is the official board to recommend approval or denial to the City Commission. Since Article 9 is directly related to the Preservation Commission, staff wanted this board to look at the proposed text amendments, and although this board would not provide a formal recommendation, they could endorse the amendments.

Commissioner Gibson asked about recommended changes.

Ms. Falvey responded that the commissioners may recommend changes.

Chairman Jackson asked for clarity that the proposed changes will align us better with the State, and make sure we are consistent across the board.

Ms. Falvey responded in the affirmative.

Ms. Falvey further stated the City recently updated their Certified Local Government (CLG) agreement with the State Historic Preservation Office, and as part of that, we updated the list of reviews that can be done at the administrative level. The proposed text amendments are located in section 9.16. Most major exterior alteration would be reviewed by this board.

Commissioner Bateman mentioned the future expansion of 4th Street in the Downtown Historic District, and in section 9.16.B, it states that public improvements to streets, curbs, sidewalks, parking areas, etc. are reviewed at an administrative level. Commissioner Bateman wants to be sure the city is in compliance with the state when these improvements occur.

After discussion among the commissioners, a few minor grammatical changes were made.

With no further discussion, Chairman Jackson called for a motion. Commissioner Gibson moved to endorse the recommended changes to Article 9 of the Development Regulations, seconded by Commissioner Bateman and approve by a vote of 4-0.

OTHER BUSINESS/CORRESPONDENCE

1. MINOR STATE LAW REVIEW AND/OR MINOR CERTIFICATE OF APPROPRIATENESS

Ms. Falvey noted there is one minor state law review included in the agenda packet, which does not require action from the commission.

2. Ms. Falvey provided the commissioners a handout with the Schedule At A Glance for the 2023 Kansas Preservation Conference, which is May 4th – 6th in Independence, KS. Commissioners interested in attending need to contact Ms. Falvey.
3. Preservation month is in May. There will be a proclamation at the City Commission meeting April 25, 2023 at 6:00pm for those commissioners who would like to accept the proclamation. All four commissioners plan on attending.

Ms. Falvey stated there are items on the agenda for May; but there will be a June 7th meeting.

With no further discussion, Chairman Jackson called for a motion to adjourn. Commissioner Bateman moved to adjourn, seconded by Commissioner Gibson and approved by a vote of 4-0.

Meeting adjourned at 6:34 p.m.

Minutes taken by Planning Assistant Michelle Baragary.