

THE TOPEKA LANDMARKS COMMISSION MEETING

Holliday Office Building
620 SE Madison Ave., Holliday Conference Room
1st Floor

AGENDA

Thursday, July 9, 2015

5:30 PM

- I. **Roll Call**
- II. **Approval of Minutes – June 11, 2015 Minutes**
- III. **CLGR15-08 by Jim and Susan Turner** – Presentation and discussion of the proposed demolition of the home on property located at 1618 SW 2nd Street, within the boundaries of the Potwin Place National Historic District. **No action to be taken.**
- IV. **Discussion and possible action on amending the Topeka Landmarks Commission By-Laws, allowing for the creation and responsibilities of a Design Review Committee**
- V. **Consideration and possible action of the Revised Administrative Approval Projects List**
- VI. **Update on 2015 Historic Preservation Fund Grant Activities**
 1. Downtown Topeka Historic District Design Guidelines
 2. College Hill Historic Survey
- VII. **Administrative Reviews and Approvals**
- VIII. **Other Items**
- IX. **Adjournment**

ADA Notice: For special accommodations for this event, please contact the Planning Department at 785-368-3728 at least three working days in advance.



MINUTES OF THE TOPEKA LANDMARKS COMMISSION

Thursday, June 11, 2015

Holliday Office Building

620 Madison Ave., Holliday Conference Room, 1st Floor

I. Roll Call

Members Present: Grant Sourk (Acting Chair), Paul Post, Bryan Falk, Amber Bonnett, Nelda Gaito, Leon Graves, Jeff Carson (7)

Members Absent: Murl Riedel, David Heit (2)

Staff Present: Tim Paris, Dan Warner, Kris Wagers

II. Approval of 5-14-2015 Minutes – Mr. Post moved approval of the minutes as typed, seconded by Mr. Falk. **APPROVAL (6-0-0;** Mr. Carson had not yet arrived)

III. Discussion of the Topeka Landmarks Commission By-Laws, allowing for the creation and responsibilities of a Design Review Committee

Mr. Warner reviewed the proposed revisions and explained that in order to approve revised by-laws, there must be a 30-day review period prior to voting.

Regarding Article II, Section 5b; Mr. Post pointed out it should probably read Article I, Section 3.

Mr. Carson entered the room.

Commissioners asked for and received clarification on items and following, Mr. Warner explained that a revised set of by-laws would be presented at the July, 2015 meeting for review and a Commission vote.

IV. Consideration of Updated Administrative Approval Projects List

Mr. Paris reviewed the proposed revisions. Commissioners asked for and received clarification on items, and discussion was had.

Mr. Sourk stated that he has reservations about #4 on the List. Mr. Graves moved to table the issue until the July, 2015 Landmarks Commission meeting. Second by Mr. Post. **APPROVAL (7-0-0)**

V. **CLGR15-06 by Scott Building Industries, LLC**, requesting approval for modifications to the exterior of the property located at 120 SE 10th Avenue, within the boundaries of the South Kansas Avenue Commercial Historic District. 120 SE 10th Avenue is listed within the District as a non-contributing property.

Mr. Paris reviewed the request, recommending approval.

Mr. Sourk asked what the original construction date of the building was. Mr. Paris stated it was built in 1925. Clarification was made that it was originally built with two stories, with the third added in 1972.

Ms. Gaito asked what kind of windows will be going in. Mr. Paris explained they will be the same outline as previous windows, but not original materials. He added that if it were a contributing property the materials would be more of a concern but it is in fact a non-contributing property at this time.

Mr. Sourk clarified that the question around approval or disapproval of the request should be about whether the proposed changes damage or destroy the historical integrity of the South Kansas Avenue area. Mr. Paris stated that in the pre-app phase, the Design Review Committee could share comments about whether a proposed change might help or hinder future consideration as a Contributor.

Ms. Gaito stated that we should not "lead owners on" thinking that the work they're doing is going to help them in the future and Mr. Paris stated he does not think that is being communicated to them in any way.

Mr. Paris provided the Commissioners with a history of the building that he received when the owners submitted for consideration as a Contributor. The building was not accepted as a Contributor.

Mr. Graves moved to approve the request. Second by Mr. Carson. **APPROVAL (6-0-1** with Mr. Falk abstaining)

VI. CLGR15-07 by Howard and Nancy Paul, proposing the placement of an illuminated sign on property located at 634 S. Kansas Avenue, within the boundaries of the South Kansas Avenue Commercial Historic District. 634 S. Kansas Avenue is listed within the District as a non-contributing property.

Mr. Paris reviewed the proposal, recommending approval.

Mr. Sourk stated that signage needs to be (and will be) considered building by building and approval of a specific sign does not set a precedent.

Mr. Carson asked what might happen if other tenants request sign permits for the same building. Mr. Paris stated that would be covered under the building/sign code which limits the size and number of signs allowed on a building. He also pointed out that each application would come before the Landmarks Commission for consideration.

Mr. Graves moved to approve the proposal. Second by Mr. Carson. **APPROVAL (6-1-0** with Ms. Gaito dissenting)

VII. Presentation and Review of the of the Secretary of the Interior's Standards for Rehabilitation, and Guidelines for Rehabilitating Historic Structures

Mr. Paris provided a handout of Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings for use by the Landmarks Commissioners.

VIII. Update on 2015 Historic Preservation Fund Grant Activities

1. Downtown Topeka Historic District Design Guidelines
2. College Hill Historic Survey

For each of the above: Mr. Paris explained that the proper signatures on the grant agreements are being obtained and RFPs are close to being ready to send out. Once the RFPs are returned, the Commissioners who volunteered during the May, 2015 meeting will review and help select the consultants.

IX. Discussion of Possible Modifications and Repurposing of the Topeka Worth Saving Endangered Properties Program

Mr. Warner stated that this was discussed at last month's meeting and Commissioners had requested a copy of the program and criteria. This was provided to them this month as part of the meeting packet. Mr. Warner stated that potential changes are being worked on but nothing has been finalized.

Mr. Sourk stated we need to be better at getting the program information and nomination forms out to the public. Mr. Warner stated that going forward, the City can do a better job of marketing the program.

Mr. Sourk requested a link to the nomination form so it can be sent out to groups and individuals. It is available. Ms. Gaito asked that it be more prominent on the City website. Brochures could be provided at Oddfellows and other places.

Mr. Sourk stated that when the program started, there was a lot of media coverage but only 4-5 nominations were made by the public. The following year there was only one and it came from a member of the Landmarks Commission.

Mr. Paris suggested an option of creating a list from Central Topeka surveys identifying potential Contributors. When the City got a demolition permit request, Planning staff would check it against the list and contact those who signed up to get an email notification.

Mr. Sourk suggested leaving the item on the agenda and re-visiting again next meeting.

Mr. Carson stated there are a lot of buildings that may not currently be in danger of being torn down, but they are still significant buildings. Mr. Sourk suggested that if the building is vacant, it could be considered "in danger".

Mr. Paris stated the list could be changed from "endangered" properties to those which people think are worth saving, regardless of whether they are or are not "endangered". Mr. Sourk stated he feels there should be some threat of loss, and the fact that it's empty/not currently used could be considered as putting the building at risk.

Mr. Falk noted the fact that the handout referenced **Ten** Most Endangered Properties and stated it gives more significance if there is a limited number, even if that number exceeds ten.

Ms. Deborah Edwards asked if nominations would only be accepted annually. Mr. Sourk explained that nominations would be accepted any time. Decisions regarding adding properties to the list would be made at the April meeting and once a property is on the list, it's on there forever or until the property is destroyed.

X. Administrative Reviews and Approvals

1. **Sign Permit for 701 SE Quincy** (non-contributor to the S. Ks Ave. HD)
2. **Interior Demo for mechanical and plumbing systems at 120 SW 10th Ave** (non-contributor to the S. Ks Ave. HD)

Mr. Paris reviewed the above Administrative Reviews and Approvals.

XI. Other Items

- Mr. Post updated the Landmarks Commission on his efforts regarding the Docking Building. He spoke with Mr. Weems of Iowa who reportedly offered to purchase the building for \$20 million. Mr. Post said that Mr. Weems told him he had a group of investors who were willing to invest \$200 million to turn the Docking Building into an office/residential condo building.

Mr. Post said he then contacted the publisher of the Topeka Capital Journal but they didn't seem interested in pursuing it.

Mr. Post reported that there will be a Public Building Committee meeting at 9AM on the last day of Legislature. Senator Kelly and Representative Alcalá are on that committee and Mr. Post intends to attend the meeting.

Mr. Falk stated he had spoken with Dept. of Administration and they said they offered to give the building to certain developers they felt would restore/improve it. The only one interested wanted to turn it into low income housing, and that was not considered a viable option.

- Mr. Carson stated that Friday evening there would be a fundraiser at the Jayhawk Theater announcing new strategies, initiatives and successes.

XII. Adjournment at 7:10PM

Date: June 26, 2015

NOTICE OF NEIGHBORHOOD INFORMATION MEETING

Based upon the action requested below, the Topeka Landmarks Commission is hosting a neighborhood information meeting to be held:

Thursday, July 9, 2015 at 5:30 p.m.
City of Topeka Holliday Building, 1st Floor
620 SE Madison Street

You have been identified as an owner of record of property within the Potwin Place National Historic District. You are invited to attend this meeting of the **Topeka Landmarks Commission** to hear details from the applicant, and to have an opportunity to ask questions about their proposed project request as described below. The Topeka Landmarks Commission will not be taking any action on the proposal at this meeting, but are required to ultimately approve or deny the request at a subsequent meeting. Appeals of their decision may be made to the Governing Body.

Project information:

Action Requested: Demolition of the home located at 1618 SW 2nd Street

Name of the Property Owner/Applicant: Jim and Susan Turner

Existing Zoning: R-1 Single-family Dwelling District

Applicable Standards for Review: The Secretary of the Interior's Standards for Historic Rehabilitation

Reviewing Authority: Topeka Landmarks Commission

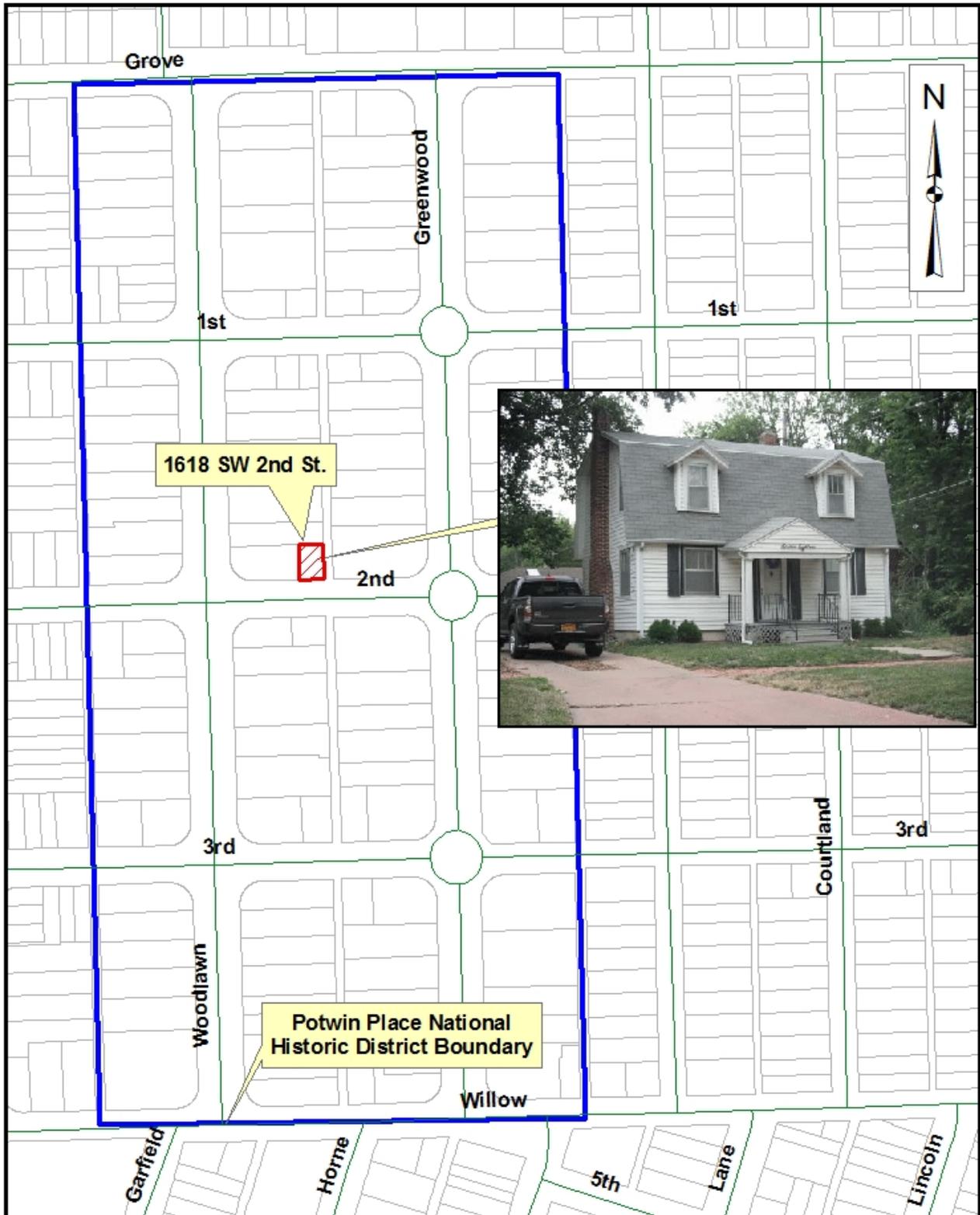
Council District: #1 – Karen Hiller

If unable to attend, questions may be submitted prior to the meeting. Questions or comments should be sent to:

City of Topeka Planning Department
ATTN: Timothy Paris, Planner II
620 SE Madison Street 3rd Floor
Topeka, Kansas 66607

(785) 368-3728 or tparis@topeka.org

Potwin Place National Historic District



TOPEKA LANDMARKS COMMISSION BYLAWS

ARTICLE I

Section 1. **Name.** The name of this ~~organization, established by Ordinance No. 18420 of the City of Topeka, Kansas commission~~ shall be the Topeka Landmarks Commission established pursuant to Topeka Municipal Code (TMC) Section 2.60.010. The term “Commission” in the following sections of these bylaws shall mean the Topeka Landmarks Commission.

Section 2. **Membership.** Membership of the Commission shall be as established by the above cited ordinance, which specifies the number, method of appointment, and term of office.

Section 3. **Ex-Officio Members.** In addition, the following may sit on the Landmarks Commission as ex-officio members:

- 1) The director or designee of the development coordination office;
- 2) The director or designee of the ~~Metropolitan~~ Planning Department.

Ex-Officio members are non-voting members of the Commission.

ARTICLE II

Purpose

Section 1. **Bylaws.** The purpose of these bylaws is to establish rules for the internal organization of the Commission and for procedures of operation.

Section 2. **Landmarks Commission.** The function, powers, and duties of the Commission are as authorized by ordinance. With some exceptions, actions of the Commission are recommendations only, and subject to the approval of the City ~~Council~~ governing body. The Commission, however, adopts its own set of rules and policies for procedure, consistent with its powers.

ARTICLE III

Organization

Section 1. **Officers.** The officers of the Commission shall be a chairperson, a vice-chairperson, and a secretary. The chairperson and vice-chairperson shall be elected by the Commission at its regular meeting in January of each year. Their terms in office shall be one (1) year. The Director of Planning, or his/her representative, shall serve as secretary to the Commission.

Section 2. **Chairperson.** The chairperson shall preside over all Commission meetings, unless the chairperson designates someone to preside in his/her stead. The chairperson shall appoint all committees and be an ex-officio member of all committees. The chairperson shall perform all the duties assigned to his/her office by the city and county governing bodies.

Section 3. **Vice-Chairperson.** The vice-chairperson shall act as chairperson in the absence of the chairperson. In the event the office of chairperson becomes vacant, the vice-chairperson shall succeed to that office for the unexpired term, and the Commission shall select a new vice-chairperson for the unexpired term at the next regular meeting.

Section 4. **Secretary.** The Director of Planning, or his/her representative, shall serve as secretary to the Commission. The Secretary shall prepare the agenda and the order of business for each regular meeting in consultation with the chairperson. The secretary shall keep the Commission informed on all communications. The secretary shall record the minutes of all meetings and shall provide copies to all members of the Commission, the governing bodies and other public agencies involved. The secretary shall act on behalf of the commission in the following matters, provided that matters shall first be presented to the Commission if there appears to be serious conflict of interest, public controversy, or the like:

- a. Represent the Commission on Planning matters at all meetings of the Governing Body;
- b. Prepare or present plans, policies, or procedures established by the Commission;
- c. Prepare the annual budget and review it with the Commission;
- d. Accept and prepare all routine communications on planning matters; and
- e. Give or serve all notices required by law, these bylaws, or adopted procedures.

Further, the Secretary shall be responsible to advise the chairperson directly, and the Commission as a whole, on matters regarding annual requirements for document reviews, and deadlines and content requirements for submission of various reports and documents to local governing bodies, the State of Kansas, and federal offices.

Section 5. **Committees.** The Commission may establish committees, including a Design Review Committee, as deemed necessary or convenient to carry out the various duties and functions of the Commission. Such committees may be made up of part or all of the members of the Commission and may include members outside the Commission and may meet upon such schedule and for such purposes as established by the Commission.

~~One standing committee of the Landmarks Commission shall be the Design Review Committee. The Design Review Committee shall:~~

- ~~— Include three (3) members being of the Landmarks Commission, at least one (1) member a design professional consistent with the City's Certified Local Government agreement with the Kansas State Historic Preservation Office; and~~
- ~~— Include Ex Officio Members per Section 3; and~~
- ~~— Meet on a regularly scheduled basis; and~~
- ~~— Serve for a term of one (1) year and appointed consistent with Section 2; and~~
- ~~— Whose review authority shall be over Local Landmarks, and State and National listed properties; and~~
- ~~— Whose duties shall include:
 - ~~— Review and recommendation for major projects to the Landmarks Commission for individually listed properties and for all properties within listed historic districts for compliance with the Secretary of the Interior's Standards for Rehabilitation; and~~
 - ~~— Review and approval authority when necessary for minor projects for individually listed properties and for all properties within listed historic districts for compliance with the Secretary of the Interior's Standards for Rehabilitation; and~~
 - ~~— Review and comment for Federal Section 106 projects; and~~
 - ~~1) Meetings with applicants as necessary to review project's designs for compliance with the Secretary of the Interior's Standards for Rehabilitation.~~~~

Design Review Committee.

a. Appointment. The Design Review Committee shall be comprised of 5 members:

1. Three members of the Landmarks Commission appointed by the Chairperson, one of whom shall be a design professional who meets the requirements of the Certified Local Government agreement.
3. One staff member from the Development Services department selected by the Director of Development Services shall serve as an ex officio member with no voting powers; and
4. One staff member from the Planning Department selected by the Director of the Planning Department shall serve as an ex officio member with no voting powers.
5. The Chairperson of the Landmarks Commission shall appoint one of the three voting members to be the chairperson of the Design Review Committee.

b. Terms of Office. Committee members shall serve for one year commencing on _____ and terminating on _____. Members may be reappointed by the Chairperson of the Landmarks Commission. Vacancies shall be filled by the Chairperson.

c. Duties. The Committee shall meet as necessary to review projects in a timely manner. The Landmarks Commission shall approve a meeting schedule upon recommendation of staff. The Committee's duties shall include the following:

1. Review local landmarks and state and nationally registered properties.
2. Recommend to the Landmarks Commission major projects involving properties within listed historic districts and compliance with the Secretary of the Interior's Standards for Rehabilitation, and/or any applicable design guidelines.
3. Review and approve minor projects for individually listed properties and properties within listed historic districts for compliance with the Secretary of the Interior's Standards for Rehabilitation, and/or any applicable design guidelines.
4. Review and provide comment, if any, for Section 106 (federal) projects.
5. Meet with applicants, as necessary, to review project designs for compliance with the Secretary of the Interior's Standards for Rehabilitation.

Section 6. Attendance. Any member who is absent without prior excuse from three consecutive meetings shall have such absence reported by the chairperson to the appointing authority. Members who accrue absences beyond a total of four in any 12 month period should consider relinquishing their appointments.

Section 7. Planning Office/Staff Support. The Planning Department shall provide professional and technical assistance to the Commission. Staff planners shall present recommendations of the Commission to the governing bodies. Recommendations of the professional staff, minutes of the Commission meetings, and other relevant material shall be presented to the governing bodies with the recommendations of the Commission. The Planning Department shall also provide professional and technical assistance to the governing body and to other boards, commissions, and agencies as deemed appropriate.

Article IV

Meetings

Section 1. Regular Meetings. The Commission shall meet at least once each month, with additional meetings upon call by the chairperson or upon petition of a majority of the members. All meetings shall be open to the public and notification shall be ~~given in the official newspaper and to those who request notification~~ announced through notice provided to the City Clerk, provided in accordance with the Kansas Open Meetings Act.

Section 2. Special Meetings. Special meetings of the Commission or committees may be called by the respective chairperson. Such meetings may also be called at the

request of a majority of the members of a committee or such committee's chairperson. Notice of special meetings shall be given by the Planning Director at least 24 hours prior to the meetings. The notice shall state the purpose and time and place of the meeting. Notice to the Commission members may be by telephone, mail or e-mail.

Section 3. **Agenda.** Agendas for all regular meetings shall be available at the Planning Department at least one week prior to each meeting. Between meetings of the Commission, the planning department staff will be available to provide information on matters which come or have come before the Commission.

Section 4. **Quorum Requirements.** A quorum of the Commission shall consist of 5 members. A quorum of a ~~special study~~ committee shall consist of a majority of the members appointed to the committee. No official business shall be conducted by the Commission, or any committee in the absence of a quorum. In the absence of a quorum at any meeting, the presiding officer, after consultation with those members present may adjourn the meeting to a specified date, time, and place. A quorum is not lost when a member or members abstain from voting.

Section 5. **Open Meetings.** All meetings of the Commission, and ~~special~~ committees shall be open to the public and attendance by representatives of the news media, except that closed sessions may be held in accordance with the provisions of the Kansas Open Meetings Act.

Section 6. **Voting Requirements.** Any matter ~~requiring that a recommendation be made to either of the respective governing bodies of the city and county~~ shall require the affirmative votes of ~~not less than~~ a majority of the ~~seated~~ members ~~of the Commission who are present~~.

Article V

Conduct of Meetings

Section 1. **Parliamentary Authority.** Meetings shall be conducted according to Robert's Rules of Order in all cases where they are applicable and not inconsistent with these bylaws and the Commission's adopted Rules of Procedure.

Section 2. **Staff Reports.** Staff reports on all agenda items shall be prepared and transmitted to the Commission members a minimum of three (3) days prior to the time of the meeting.

Section 3. **Appearance Before the Commission.** Petitioners or their representatives, members of the community at large or individuals or their representatives who feel that they will be affected by any action taken by the Commission may

appear before the Commission to present views and statements either for or against agenda items. The public may address their comments or concerns to the Commission either in person or in writing. The Chairperson may at his/her discretion limit the length of presentation or discussion to ensure the orderly conduct of Commission business provided that the decision of the Chairperson may be overridden by a majority vote of those commissioners present.

Section 4. Commission Action. The Commission's ~~duties shall include shall function as authorized by City Ordinance No. 18420 to include, but not limited to, the following functions the functions listed in TMC 2.60.020:~~

- ~~a) Familiarization and identification of all historic resources within the community;~~
- ~~b) Identification of such resources as historic landmarks or districts;~~
- ~~c) Administer Certificate of Appropriateness Review according to design criteria as defined to determine appropriateness of proposed undertakings relative to historic resources, landmarks, or districts;~~
- ~~d) Review and comment on projects which may be determined to be a threat to an archaeological site as designated by the Kansas State Historical Office;~~
- ~~e) Suggest sources of funds for preservation and restoration activities;~~
- ~~f) Recommend incentives for preservation;~~
- ~~g) Annually review the status of identified historic resources, landmarks, and districts;~~
- ~~h) Propose alternatives or adaptive re-use for structures scheduled for demolition;~~
- ~~i) Make and adopt an historic preservation plan;~~
- ~~j) Implement a receivership program for the donation of conservation easements;~~
- ~~k) Recommend legislation to the City Council to encourage historic preservation;~~
- ~~l) Assist in the preparation of National and/or State register nominations;~~
- ~~m) Upon request of the property owner, render advice and guidance with respect to any proposed work on a historic resource.~~

Section 5. Motions. Motions before the Commission shall be made in the affirmative ~~on all public hearing items~~ and shall be restated by the Chairperson prior to vote on that item.

Section 6. Voting. Voting may be by voice ballot or by individual voice ballot on all items as deemed appropriate by the Chairperson. Records of all votes shall be tallied by the secretary.

Section 7. Conflict of Interest. It is the duty of each member to vote on each issue. No member of the Commission, however, shall participate in, discuss, or vote on

a matter in which he or she has a substantial interest as defined by K.S.A. 75-4301 et seq. Should any member have such a substantial interest on a matter coming before the Commission or its committees, the Chairperson shall declare the abstention for each affected Commission member for that item on the agenda.

Section 8. **Record of Proceedings.** The secretary shall record the minutes of each meeting as a matter of public record and shall present such minutes to the Commission for approval.

Article VI

Amendments

Section 1. These bylaws may be amended by a majority of the Commission at any regular meeting, provided the members have been notified one (1) month in advance and the proposed amendment has been placed on the meeting agenda.

**List of Projects to be reviewed by Planning Staff and/or
the Topeka Landmarks Commission Design Review Committee**

The following is a list of projects that Planning Staff and/or the Topeka Landmarks Commission Design Review Committee, may review for **APPROVAL** on behalf of the Topeka Landmarks Commission, and Kansas SHPO in accordance with KSA 75-2724 and KAR 118-3-1, and Chapter 18.255 Historic Preservation, of the Topeka Municipal Code.

Individually Listed and All Properties within Listed Historic Districts

1. Reroofing (Using like material)
2. Repair using like material and not changing the current look, massing, and scale, including but not limited to the following:
 - a) Porches
 - b) Fascia
 - c) Building details (i.e. cornices, porch railings, pediments, etc.)
 - d) Window and door repair
 - e) Other interior features that are deemed to be contributing features to the structure's historical integrity.
3. Repair/replacement of mechanical, plumbing, and electrical equipment
 - a) in current location , or
 - b) installation of new such equipment on secondary or higher elevations that do not create new penetrations through structural elements of the building, or
 - c) are concealed within existing interior walls, or
 - d) other minor changes that follow the Secretary of the Interior's Standards for Rehabilitation.
4. Removal or alteration of interior features that, upon review and comment from the Design Review Committee, could be deemed to be a contributing feature to the historical integrity of a non-contributing property
5. Demolition of outbuildings and ~~minor~~ accessory structures not visible from the street frontage of the property, and are not identified as contributing features of the property in its nomination for historic listing.
6. Replacement of illuminated and non-illuminated wall signs that follow the Secretary of Interior's Standards for Rehabilitation.
7. Fences behind the plane of the associated structures' front elevation.
8. Repair or replacement of brick sidewalks, streets, alleys and stone curbing adjacent to a listed property, or located within the boundaries of an historic district consistent with the City of Topeka's adopted Brick Streets and Brick Sidewalks Policy.
9. Minor exterior building additions to listed properties, or properties within an historic district that upon review by the Design Review Committee, do not damage or alter the historic structure, including, but not limited to the following:
 - a) Small additions to primary structures, less than 250 sq. ft. (e.g. removable wheelchair access ramp).
 - b) Small accessory structures not visible from the street frontage of the property, less than 250 sq. ft.
 - c) Additions to accessory structures not visible from the street frontage of the property that follow the Secretary of Interior's Standards for Rehabilitation.
 - d) Installation of new decks not visible from the street frontage of the property, less than 250 sq. ft.
10. Minor Zoning Variances for building-line setbacks
11. Review and comment for all National Historic Preservation Act Section 106 reviews submitted for comment by other City Departments, and outside entities