

TOPEKA LANDMARKS COMMISSION
MINUTES

Thursday, July 21, 2022
VIA ZOOM VIDEO CONFERENCE

Roll Call

Members Present: Donna Rae Pearson (Acting Chair), Dave Frederick, David Heit, Grant Sourk, Mark Burenheide, Christine Steinkuehler

Members Absent: Melina Stewart, Paul Post, Cassandra Taylor

Staff Present: Tim Paris, Dan Warner, Kris Wagers, Bill Fiander

Acting Chairperson Donna Rae Pearson called the meeting to order with 6 members logged in to the video conference.

Approval of Minutes from June 9, 2022

Motion by Mr. Sourk to approve; **Second** by Mr. Heit. **APPROVED 6-0-0**

Announcement of potential conflicts –.None

CLGR22-16 by The Mirror, Inc., requesting a review under Kansas State Preservation Law Review [K.S.A. 75-2724] for the placement of a sign on the north face of the building located at 107 SW 6th Avenue. This building is designated as a *contributor* to the historic integrity of the South Kansas Avenue Commercial Historic District.

Mr. Paris presented the staff report and staff's recommendation. Virginia Baumgartner with Luminous Neon was online, as was Seth Wagoner of Aim Strategies, LLC (owners of the building). Ms. Baumgartner briefly described the sign as flat-cut aluminum letters which will be stud-mounted to the fascia.

Mr. Wagner added that in addition to installing the Mirror, Inc. sign they also plan to remove the existing DBI sign.

Motion by Mr. Sourk to concur with staff's finding that the proposed sign to be placed onto the metal canopy of the building located at 107 SW 6th Avenue IS CONSISTENT with the recommendations outlined in the Downtown Topeka Design Guidelines, and will NOT damage or destroy the historical integrity of the structure, or the surrounding South Kansas Avenue Commercial Historic District. **Second** by Mr. Burenheide. **APPROVED 6-0-0**

CLGR22-13 by Aim Strategies, LLC, requesting a review under Kansas State Preservation Law Review [K.S.A. 75-2724] for the demolition of the building located at 735. S. Kansas Avenue. This building is designated as a *non-contributor* to the historic integrity of the South Kansas Avenue Commercial Historic District.

Mr. Paris presented the staff report and staff's recommendation that the proposed demolition of the building located at 735 S. Kansas Avenue will damage or destroy the historic character or the historic

TOPEKA LANDMARKS COMMISSION MINUTES

integrity of this property and the historic integrity of the surrounding South Kansas Avenue Commercial Historic District. He noted that by definition, demolition must destroy the historic integrity of the building.

Structural engineer Toby Taggart was logged in to the meeting. Mr. Taggart provided information about the structural integrity of the building, noting that the stone basement is original and insufficient for a 2 ½ story building as proposed by the owners. He does not believe that the roof, as it currently is, would be capable of supporting a rooftop patio.

Lauren Fitzpatrick was logged in as the architect for the proposed project and stated that they wouldn't even be able to put a mezzanine level in the building as it stands. Mr. Taggart agreed. Ms. Fitzpatrick provided information about the square footage the owner needs in order to have a successful, profitable restaurant. The current building is insufficient and because of structural issues they would not be able to add stories to make it large enough.

Mr. Sourk stated that he understands staff's recommendation and why they have to make it. At the same time, aside from the size and scale, there is little or nothing left of the 1960 design of the building. He noted that the applicant is requesting to replace a non-contributing building with another non-contributing building, one which would have more value and enhance the district as a whole, and he intends to disagree with staff's recommendation.

Mr. Heit asked and Mr. Taggart confirmed: while the existing stone foundation is not adequate for the loads that would be created by a 2 or 2 ½ story building, the walls are in fair condition and the foundation is functioning. Water damage would need to be mitigated if the building stays as it is. The roof would need to be replaced because it is corroding.

Ms. Pearson asked if the owners had considered selling the building if it could not meet their economic needs as it stands. Seth Wagoner of Aim Strategies, LLC stated that they have had offers from Dominos Pizza and from people who wanted to use it as a bar, but they are not interested in having it used for those purposes.

Ms. Pearson stated she disagrees with Mr. Sourk in that she believes the front and street-side façade look to the personality of the building that was created in the 60s. She feels we are losing these 60s front facades and that concerns her. She would like to have downtown re-surveyed.

Mr. Burenheide expressed his opinion that commissioners should be able to consider what is planned to replace a non-contributing building if demolition is requested. For example, they would look at it differently if the applicant wanted to replace a building with a parking versus a new building that could potentially become a cornerstone for downtown. Mr. Paris said he understands and shares in this frustration, but the State Preservation Law specifically gives that authority to the Governing Body.

TOPEKA LANDMARKS COMMISSION MINUTES

Mr. Heit spoke to the fact that some buildings can potentially be modified enough to make them a contributing building; Mr. Paris stated that in this instance, those changes would themselves start the 50 year timeline over again.

Motion by Mr. Sourk to approve the demolition request of 735 S Kansas. Following several calls for a second, none were received.

Motion by Mr. Burenheide to not concur with (or reject) staff's recommendation; **second** by Mr. Sourk. Mr. Heit asked for clarification as to what a yes vs no vote would imply. Mr. Warner stated that a "yes" vote indicates you affirm the motion to reject staff's recommendation. The result would be that the demolition could occur. Mr. Paris re-stated the motion as: Demotion of the building will not damage or destroy the historic integrity of the resource or the surrounding historic district. Mr. Burenheide and Mr. Sourk concurred with Mr. Paris's wording.

Upon roll call vote, the outcome was 3-3-0; Burenheide, Frederick and Sourk voting YES and Heit, Pearson & Steinkuehler voting NO.

Following discussion it was concluded that a vote with a majority outcome is necessary. Options were discussed and Mr. Wagoner made it clear that tabling the item until the August Landmarks Commission would not be his preference. The owners would rather the demolition be denied so they could appeal the decision to the Governing Body early in August.

Mr. Sourk made a **motion** to approve the demolition of 735 S Kansas; with no seconds the motion failed.

Motion by Mr. Sourk to concur with staff's recommendation for a finding that the proposed demolition of the building located at 735 S. Kansas Avenue will damage or destroy the historic character or the historic integrity of this property and the historic integrity of the surrounding South Kansas Avenue Commercial Historic District. **Second** by Mr. Burenheide. **APPROVED** 4-2-0 with Burenheide and Sourk voting no.

CLGR22-14 by Aim Strategies, LLC, requesting a review under Kansas State Preservation Law Review [K.S.A. 75-2724] for the construction of a new building to be located at 735. S. Kansas Avenue.

Mr. Paris presented the staff report and staff's recommendation. He noted specifically that the proposed new construction is consistent with and complimentary to the size, scale, materials and use of the surrounding buildings within the South Kansas Avenue Commercial Historic District.

Project architect Lauren Fitzpatrick was online and showed some renderings that were not available in the agenda packet, namely the proposed building placed next to the current buildings on the block. She stated that the owners wish to provide a balance between old and new; something Topeka can be proud of. She also noted that 8th & Kansas is a high traffic, high profile corner and the proposed building does, in her opinion, compliment the block and the district as a whole.

TOPEKA LANDMARKS COMMISSION MINUTES

Motion by Mr. Sourk to concur with staff's recommendation for a finding that the construction of the proposed building to be located at 735 S. Kansas Avenue IS CONSISTENT with the recommendations outlined in the Downtown Topeka Design Guidelines, and will NOT damage or destroy the historical integrity of the structure, or the surrounding South Kansas Avenue Commercial Historic District. **Second** by Mr. Burenheide. **APPROVED 5-1-0** with Ms. Pearson voting no.

Report from Commissioners on NAPC B-Annual Conference in Cincinnati, Ohio July 13-17, 2022

Attendees reported that they enjoyed the conference and look forward to the next one.

2022 HPF African American Historic Resources Survey Update

Mr. Paris reported that the RFP went out "today" and bids will be accepted through August 24.

Potwin Resource Survey Update

Mr. Paris stated that he met with the Mayor of Potwin along with other representatives of Potwin. They support the idea of an updated survey and, separately and following the survey, creation of design guidelines and updating of the national register.

With nothing more on the agenda, the meeting Adjourned at 6:47PM