



## LEAVENWORTH PRESERVATION COMMISSION MINUTES

### COMMISSION CHAMBERS, CITY HALL

100 N 5<sup>th</sup> Street, Leavenworth, Kansas 66048

WEDNESDAY, June 4, 2025, 6:00 PM

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#### CALL TO ORDER:

##### Board Members Present

Ken Bateman

Ed Otto

Dick Gibson

##### Board Member(s) Absent

Sherry Whitson

Rik Jackson

##### City Staff Present

Michelle Baragary

Kim Portillo

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

#### APPROVAL OF MINUTES: May 7, 2025

Vice Chairman Otto asked for comments, changes or a motion on the May 7, 2025 minutes presented for approval. Commissioner Gibson moved to approve the minutes with two corrections, seconded by Commissioner Bateman, and approved by a vote of 3-0.

#### OLD BUSINESS:

None

#### NEW BUSINESS:

##### 1. 2025-10 LPC – 1128 5<sup>th</sup> Avenue

A State Law review (KSA 75-2724) for proposed construction of an accessory building to the property located at 1128 5<sup>th</sup> Avenue, a property listed on the Register of Historic Kansas Places and National Register of Historic Places, under the Secretary of the Interior's Standards. The scope of work includes new construction of an archival storage area and conference room on the rear of the property.

Vice Chairman Otto called for the staff report.

Planning Assistant Michelle Baragary stated the applicant is proposing to construct a 30'x60'x12' archival and conference center to the rear of the Carroll Mansion. The property, owned by the Leavenworth County Historical Society, is zoned R1-6 (High Density Single Family Residential District), and functions as a museum, research center, and storage space for artifacts. The existing structure is situated on a .54-acre lot, directly south of old St. Luke's Cushing Hospital.

The proposed building will be a 30'x60'x12' pre-engineered metal building installed to the rear of the existing home with minimal visibility from the street. The building will include brick colored metal panels, a rectangular cupola, and brass lamps on either side of the double front door, with a gable overhang. The building will be used as an archival storage building and conference room that will hold up to 50 people, and will include a restroom and closet. The addition of a paved parking area to accommodate 6 parking spaces is also proposed as part of this project.

The Development Review Committee reviewed the proposed project on May 22<sup>nd</sup>. Issues of concern include:

1. 900 sqft maximum accessory structure allowed in the R1-6 zoning district. Applicant would need to request a variance through the Board of Zoning Appeals.
2. Increase in impervious space increases water runoff, which is not allowed to negatively impact neighboring properties.
3. Detention area/rain garden is required.
4. Need to provide adequate sewer connection (their sewer is private).
5. Grading and retaining wall would potentially damage/destroy existing walnut trees.
6. Sprinkler is not required, but the new structure will need fire/smoke alarms and fire extinguishers.
7. Security cameras/outdoor lighting is strongly suggested.

#### **SHPO FINDINGS:**

Staff requested SHPO take a preliminary look at the proposed project. SHPO found that the current proposed structure is not architecturally compatible in size, location or materials, and would substantially alter the landscape around the listed building. The landscape adjacent to the listed house would need substantial grading in order to site the new building and add the parking area. This would alter the environment the property currently sits in. The proposed materials (metal siding and roof) and overall size and design of the building are not compatible with the existing property. Standards to consider are 1, 9, and 10.

On September 5, 2018, the owner proposed a different storage/meeting building that the SHPO did not recommend approval of, but the Leavenworth Preservation Commission did approve.

#### **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.

*Significant changes to the landscape are proposed that will alter the environment the property currently sits in, such as grading, stormwater runoff, and retaining wall. The proposed use, especially the conference room, will detract from the residential nature of this and surrounding properties.*

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 removal of historic materials or features is proposed. However, existing walnut trees could potentially be damaged with grading and/or installation of the retaining wall.*

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 physical changes to the existing structure 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. However, existing walnut trees could potentially be damaged with grading and/or installation of the retaining wall.*

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

*No existing historic features, finishes or construction techniques 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.

*The proposed changes do not involve replacement of any historic features.*

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 chemical 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 proposed structure is not architecturally compatible in massing, size, scale, and materials. The proposed metal siding and roof, and overall size and design of the proposed structure are not compatible with the existing property. The substantial grading will alter the environment the property currently sits in, and could potentially damage or destroy the existing brick driveway and walnut tree roots.*

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 landscape adjacent to the listed house would need substantial grading to construct the new building and add the parking area, which would alter and impair the essential form and integrity of the environment the property currently sits in.*

**ACTION/OPTIONS:**

- Motion, to determine that the proposed changes to 1128 5th Avenue do not damage or destroy this property that is on the Register of Historic Kansas Places and National Register of Historic Places.
- Motion, to determine that the proposed changes to 1128 5th Avenue do damage or destroy this property that is on the Register of Historic Kansas Places and National Register of Historic Places.
- Motion, to Table item until the next meeting for the purpose of gathering additional information.
- Motion, to forward to the SHPO for review.

Commissioner Gibson asked if the rendering for 2018 is still current or if it's been modified.

Ms. Baragary asked if he's referring to the rendering they are proposing now.

Planning Director Kim Portillo responded no, that what they are proposing now is the plan set that is being projected during the meeting.

Commissioner Gibson stated the 2018 version showed the new construction would actually connect to the current structure. The current rendered project does not. It shows a breezeway between the two buildings. He asked if it was accurate.

Ms. Baragary answered yes.

Vice Chairman Otto clarified the required review for 1,2,9 and 10 are the ones that are critical. These are the ones Ms. Baragary has not accepted.

Ms. Baragary answered yes.

With no questions on the staff report, Vice Chairman Otto opened the public hearing.

Commissioner Bateman asked how we got to this place where this is being presented. He explained we're having issues with DRC, in particular with the 900 sqft limitation and water drainage issues. He feels like it's coming before the Committee as an advisory opinion rather than a final action.

Ms. Portillo responded this was one of the bigger obstacles because it's in the Historic District and if it's not historically compatible it would be revised and sent back. This is how it's working through the process and if it were to get approval they would still have to get a variance. It was just deciding which process would be first.

Commissioner Bateman said the Committee is probably the longer process and that's why it's appeared here first. He stated he didn't see any way this could be approved with the current standards. He added that he has been on the Board for two years and they've never turned anything down, but this seemed to go against so many things the Preservation Committee is supposed to protect. This is a historic monument that is a residence. What is being brought before the Board, in their view, is something that's being added on to something that is non-residential.

Commissioner Bateman also stated that he has issue with the fact that it:

1. Would be changing the defining characteristics.
2. It would not be retaining or preserving the characteristics.
3. Would not be a record of its physical time, place or use.

He stated that of the requirements put forth, it either doesn't apply or it's "not that". He would have a difficult time having it be approved by the Committee.

Vice Chairman Otto is in agreement. He stated one of the things they would have to agree on is what *would* be acceptable.

Commissioner Bateman responded to Vice Chairman Otto's comment by saying they would not have to give them the solution, that there may not be a solution. Commissioner Bateman felt it would not be fair to future Committee members and staff if someone reopened this case in 3 years, when none of the original members are on the Board, and underwrites the things the current Committee has ruled on.

Vice Chairman Otto opened the floor for public comment and asked the applicant, Carol Ayers, President of the Leavenworth Historical Society, if she had some input.

Ms. Ayers stated they would love to have the plan that was designed in 2017 but financially it's not viable. That plan would take \$3.5 million to build. Ms. Ayers said they went with the building on the current plan because it was something they could afford. The mission of the Leavenworth County Historical Society by charter is to collect and preserve history from Leavenworth County. If someone donates something that is historically significant, they are obligated to take it and store it in an archival way that will preserve it. Currently, they are out of storage space.

Before they started making plans, they looked into finding a room that someone wasn't using here in town, a space that would be donated to them or something they could pay for. When Cushing Hospital became available, they were hopeful they could get a room but wasn't able to acquire one. At this point, they will either have to shut down their mission or find storage space. The current plan offers something they can afford because a brick and mortar structure is beyond their budget.

Ms. Ayers said a couple of foundations have said they would be happy to help, but the Historical Society has to start with a plan first. This is the reason for the building they are proposing in the current plan. The thought is that it wouldn't be visible from the street, especially since it needs to be confined to 900 sqft. The conference room will need to be removed. There are other issues to be dealt with after submitting to SHPO; they'll talk about how to make that work.

Ms. Ayers wanted the Committee to know the quandary they are in and why they ended up with the current plan. This plan gives them archival level storage (which means controlled heating, cooling, light and humidity) with no windows, if they remove the conference room. The reason they have the conference room is because they had an anonymous donor specify that if a meeting space was built, they would donate \$150,000.

Commissioner Gibson agrees with what Ms. Portillo has said and he understands the Historical Society's situation. He stated he doesn't see how the Commission can be favorable after reading what has been brought before them and hearing Ms. Ayers explanation because the state has already made a determination.

Ms. Portillo asked if they could clarify that as advisory. SHPO had been asked for a courtesy advisory review. It's not an official determination, but a courtesy advisory review.

Commissioner Gibson acknowledged the courtesy review. He asked Ms. Ayers if she had looked for other buildings within the city and commented that there are a lot of storefronts that are empty that could temporarily house the artifacts.

Ms. Ayers responded it needs to be archival storage. It would become an issue in an old building.

Commissioner Bateman apologized that the Historical Society is having operational problems with the vast amount of inventory they have, but the Committee can't do anything about it and as the law is presented, they have to follow the law.

With no further discussion, Vice Chairman Otto called for a motion to close the public hearing.

Commissioner Bateman made a motion to determine that the proposed changes at 1128 5<sup>th</sup> Ave do damage or destroy the property that is on the Register of Historic Kansas Places and National Register of Historic Places. Commissioner Gibson seconded.

The request was voted upon and denied 3-0.

**OTHER BUSINESS/CORRESPONDENCE:**

- 1. MINOR STATE LAW REVIEW AND/OR MINOR CERTIFICATE OF APPROPRIATENESS (1) – No action required.**
  - 214 Arch Street – water heater replacement

With no further discussion, Chairman Otto called for a motion to adjourn, seconded by Commissioner Bateman and approved by a vote 3-0.

Meeting adjourned at 6:26 p.m.

Minutes taken by Administrative Assistant Katherine Criscione.