

CITY OF ABILENE
HERITAGE COMMISSION
AGENDA

November 19, 2020 at 4:00 p.m.
Abilene Public Library
209 NW 4th St. Abilene, KS 67410

Agenda Item
1. Call to Order
2. Roll Call: ___ Nanc Scholl ___ Duane Schrag ___ Mary Burtzloff ___ Brenda Finn Bowers ___ Andrew Pankratz ___ Phil Hamilton ___ Joanne Hamilton
3. Approval of Agenda
4. Approval of the Meeting Minutes – July 29, 2020
Business 5. Downtown/Vine St/Naroma Ct/City Park Historic District street sign banners 6. Staff Review Guide 7. Staff Review: • Sign permits issued: a) Holt Motor (321 N Spruce) b) Bombshell Salon & Spa (304 N Broadway) • Roof & ROW permits issued: a) Kalman Jewelry (210 N Cedar) b) Mystic Hair Studio (208 N Cedar) c) Countryopolitan (317 N Broadway) d) Property located at 311 N Spruce e) ROW permit at Trapp Pharmacy for sign repair (204 N. Cedar) • Building permits issued: a) Bombshell Salon & Spa interior remodel (304 N Broadway)
8. Comments
9. Adjournment

**CITY OF ABILENE
HERITAGE COMMISSION
Meeting Minutes**

**July 29, 2020 at 4 p.m.
Abilene Public Library
209 NW 4th Street**

Members Present: Nance Scholl, Mary Burtzloff, Brenda Finn-Bowers, Andrew Pankratz, Duane Schrag (Chair).

Members Absent: Phil Hamilton and Joanne Hamilton

Staff Present: Brenda Wildman, City Manager Jane Foltz.

Call to Order

The meeting was called to order by Chair Schrag

Approval of Agenda

Finn-Bowers moved to approve the agenda, seconded by Burtzloff. The motion passed 5-0

Approval of the Meeting Minutes – February 20, 2020

Scholl moved to approve the minutes, seconded by Burtzloff. The motion passed 5-0.

Business

Downtown Historic District

Signage for the Historic District was discussed. City Manager Foltz will be checking to see if letters to Downtown businesses in the district were sent out. Members of the Heritage Commission finished distribution of the window clings signifying a business was in the downtown historic district.

413 NW 3rd Follow Up

Schrag would like Brenda Wildman to call Katrina Ringler with the State Historic Preservation Office to verify what items the Heritage Commission can and can't do. City Manager, Jane Foltz updated the board regarding the status of 413 NW 3rd. Work at this site is to be completed August 31, 2020.

315 N Spruce

City Manager Jane Foltz informed the board they are replacing their roof and staff approved the roof permit.

805 Spruceway

City Manager Jane Foltz informed the board they are replacing their roof and staff approved the roof permit.

Administrative Review Policy

The policy was approved in December 2019. Schrag voiced concerns about items that are on the list could need the boards review. The board would like an email sent to them before approval is given by staff in the event it is decided that it should go before the board for review. It was noted that they only respond to the email individually to the staff that sends the notice.

Heritage Commission Membership

City Manager Jane Foltz updated the board that we are going to keep the current by laws and membership will consist of residents of Abilene.

City Hall Renovations

City Manager Jane Foltz updated the board regarding city hall. She will be working with an architect for work that will begin in 2021.

Virtual NAPC Forum 2020

Attending will be Chair Schrag.

Comments

There was a discussion on monthly meetings. This included to have meetings quarterly if there was something to discuss. There will only be meeting when there are items to discuss or review. A special meeting may be called to review items going forward.

Adjournment

Finn-Bowers made a motion to adjourn, seconded by Scholl. The motion passed 5-0

Attest:

Minutes Approved,

Duane Schrag, Chair



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Heritage Commission Guide

The Heritage Commission meets monthly to approve applications for certificates of appropriateness and to conduct State Law Reviews. Additionally, the Heritage Commission will discuss ways they can support the historic districts and educate property owners on the benefits of and practice of historic preservation.

This guide is for city staff who may be tasked with assisting the Heritage Commission, it covers all aspects of a meeting from setting and publishing the agenda to facilitating quasi-judicial reviews and helping the Heritage Commission meet its goals.

City code and state statute is the authority on how these processes should be adjudicated. This guide is simply a breakdown of those processes and a record of current administrative practice. It is not intended to preempt city code or state statute and should be amended appropriately to reflect changes in the law that may occur.



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The Agenda

Within 3-5 days of the meeting, the agenda should be published on the city website and sent to commission members. The Agenda should include any applications that need to be reviewed and any other official action or discussion the Heritage Commission needs to have. Attached to the Agenda should be the documents associated with an application and any other staff reports/memos that could be necessary.

Minutes

Minutes of the meetings should be taken. It should follow the format of City Commission Minutes.

When taking minutes on State Law Reviews or Certificates of Appropriateness, it is important to keep a detailed record of the conversation that happened during the meeting. Any questions asked by commissioners, answers provided by the applicant, and the final motion to approve should have details about why or how the commissioners came to their conclusion. It is important to include formal findings in the minutes to be compliant with State Law. Minutes should be sent to the State Preservation Office after they are approved.



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Certificates of Appropriateness and State Law Reviews

It is important to note that these are two separate items of business and need separate votes with findings. Not all applications will need a Certificate of Appropriateness, but most will need State Law Review.

Certificate of Appropriateness

The City of Abilene has two levels of historic preservation – the first is local. Properties may be nominated and inducted to the local historic register through an ordinance by the City Commission. These properties, when needing a building permit (only for exterior work), a sign permit, or when making significant exterior changes to their property, must apply for a certificate of appropriateness.

The procedure and criteria for how the Heritage Commission should handle these are outlined in the zoning regulations: 29-905 and 29-206.

As a quick summary of the procedure: The application comes in and should include a copy of the permit application, plans, and specifications that affect the *exterior architectural appearance*. The Heritage Commission will review the plan using the Standards for Review and the Design Criteria that is listed in the zoning regulations. Additionally, some landmarks may have specific features listed in their establishing ordinance about note-worthy historic features that should be preserved. At the Meeting, the Heritage Commission will make a motion stating their findings that the project meets/does not meet or meets with conditions the standards and criteria as outlined in the zoning regulations.

Staff may issue a certificate of appropriateness outside of a Commission meeting, with the signature of the chair or vice-chair if the work being done is performed in the existing material and reproduces the existing design. 29-903 Outlines in more detail how administrative review may be handled.

All of this should be done within 45 days of the application being received. Once the decision is made, staff has 7 days to issue a letter to the applicant reporting the decision of the Heritage Commission. Be sure to also notify the City Inspector for issuance of the permit.



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State Law Reviews

Properties that are not listed on the local historic register but are listed on the state and/or national historic register are required to go through a State Law Review anytime a permit is applied for. This includes all buildings in a historic district. State Law Reviews cover both interior and exterior work.

The Heritage Commission has entered into a ~~Certified Local Government~~ agreement to conduct these reviews on behalf of the state. They should use the ~~U.S. Department of Interior's Secretary of the Interior's~~ Standards for Rehabilitation as a guide for their review.

When a property is on both the local historic register and the state/national historic register the *Heritage Commission should conduct both reviews*. This means they will vote individually for:

1. The Certificate of Appropriateness with stated findings
2. The State Law Review with stated findings

These should be separate motions and should be carefully recorded in the minutes of the meeting.

After the Meeting

At the end of either process, the applicant should receive a letter that clearly outlines the findings of the commission and the result of the review (approved, disapproved, or approved with conditions).

For State Law Reviews, a copy of the letter and the minutes should be sent to the Kansas State Historic Preservation Office.

It is very important to be consistent with State Law Reviews. We are conducting this business on behalf of the state. We have to meet *their* standards

Commented [RK1]: Properties may be listed on both. If so then both a COA and State Law review are needed. Neither one overrides the other. I think this is addressed below, but might be confused with this sentence.

Commented [RK2]: Or there is funding or an undertaking by the government. If the City owns a property (i.e. City Hall, streets, sidewalks, parks) or is funding a project (i.e. through city funds or a grant or loan) that also triggers a state law review.

Commented [RK3]: It includes everything within the boundaries of the historic district such as both contributing and non-contributing buildings, streets, sidewalks, parks, vacant lots, parking lots, etc.

Commented [RK4]: For state law, the determination language should be "will damage or destroy a historic resource" or "will not damage or destroy a historic resource". A conditional determination is also acceptable.



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Designation of a Landmark

Properties can be nominated and placed on the Abilene Historic Register through an ordinance passed by the City Commission. This process starts in the Heritage Commission. When a nomination is submitted, staff should review the application to ensure it meets the listed criteria found in Section 29-7 of the Zoning Regulations. If the property meets that criteria, a 20-day public notice period is required before a public hearing can be conducted by the Heritage Commission. *(as a side note, it may be worth looking into amending this. This originated because there used to be a rule that properties within 500 ft of a historic building/landmark also had to follow the same preservation rules, this meant your neighbor's house becoming a historic site, affected your house too. This is no longer the case and that rule was repealed, so I no longer see the need for a 20-day public notice nor a public hearing).*

Commented [RK5]: Might be good to cite the ordinance so it can be found easily.

The Heritage Commission is to review the application and to report and recommend to the City Commission their findings. This report should include:

1. Explanation of the significance or (lack of) of the nominated property as it relates to the design criteria found in section 29-7.
2. Explanation of the integrity (or lack of) of the property
3. When the property meets the criteria:
 - a. The significant exterior architectural features of the nominated property that should be protected
 - b. The types of construction/alteration or removal/demolition that cannot be undertaken without a certificate of appropriateness
4. A map with the of the location of the property

These facts should be included in the ordinance passed by the City Commission. Point 3 is especially important to state in detail as those facts will be used in future preservation efforts when Certificates of appropriateness are sought by future property owners.

The Heritage Commission can recommend the City Commission induct the property or not. However, regardless of the Heritage Commission's findings, the application will go to the City Commission for final determination.

Should the property be inducted to the Abilene Historic Register by the City Commission, a letter should go to the property owner, the Kansas Historical Society, and the Register of Deeds to notify them. Administratively, the city map of all historic sites should be updated, a note should be added to the property file so the City Inspector will know to hold any permits applied for in the future.



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Administrative Review

City Staff is able to use some Administrative Review when it comes to State Law Review (K.S.A. 75-2724). The below policy was passed by the Heritage Commission on December 19, 2019 and approved by the State Historic Preservation Office. This list should be reviewed and approved by both entities again when the CLG is renewed-state law agreement is renewed.

The following is a list of project types that the Zoning Administrator will have the authority to administratively approve. If the proposed project meets the Secretary of the Interiors' Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, the Zoning Administrator will administratively approve the proposed project. Upon approval of the administrative review, a release will be issued to the City Inspector. The Abilene Heritage Commission will confirm administrative approvals at their next regular meeting. If staff determines that the proposed project will likely "~~encroach upon, damage or destroy~~" a listed property, then the proposed project will be forwarded to the Abilene Heritage Commission for full review before issuance of a permit.

This list is only for State Law Review and does not apply to the issuing of Certificates of Appropriateness. Section 29-903 sets terms for Administrative Review for local review.

For pProperties listed on the National Register and/or the Kansas Register of Historic Places:

- Replacement of roofing materials with like-kind materials
- Installation of mechanical, plumbing, or electrical systems that require minimal changes
- Installations of awnings and signs on commercial properties
- Interior modifications that do not affect character-defining elements of the structure
- Installation of fire safety equipment, or minor alterations to meet the Americans with Disabilities Act
- Public improvements including improvements to streets, curbs, sidewalks, parking areas, parks, and other amenities
- Minor exterior building changes/fixes
- Minor exterior building changes/fixes to accessory structures
- Similar projects or replacements with like-kind materials.
- Any project that has been reviewed by the State Preservation Office for Tax-credit purposes or other purposes and has received approval for their project from them.

Commented [RK[6]: "Encroach upon" is language no longer used in K.S.A. 75-2724 after revisions in 2013. Keep "damage or destroy".

Commented [RK[7]: A property listed in the National Register of Historic Places or the Register of Historic Kansas Places

Commented [RK[8]: What about projects that don't require a permit but are otherwise actions by the city. What about a project such as repair of the City Hall or work in a city park? Those projects require review under the state law but may not involve a permit.

Commented [RK[9]: Generally these are minor as long as when they are installed into masonry, the attachments are made into mortar joints. Adding that language might help clarify.

Commented [RK[10]: This probably needs a little more definition. Some changes to a historic park or historic sidewalks could be damaging to the property or district's historic character. Emphasize "minor" or that the work must not impact character-defining features.

Commented [RK[11]: We also sometimes review projects under federal preservation law and grant funding programs.



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Benefits of Historic Preservations

There are many incentive programs geared toward historic preservation. However, there are three that are most common, and most important.

Federal and State Historic Tax Credits

The [federal](#) program provides an income-tax credit equal to 20 percent of qualified rehabilitation expenditures on income-producing properties. The [state](#) program provides a tax credit equal to 25 percent of qualified expenditures on income-producing or non-income-producing properties.

Heritage Trust Fund

Competitive grant program for projects on national and state Register-listed buildings

Historic Preservation Fund

Grants that assist communities in planning for the preservation of their historic resources. Being a Certified Local Government, the Heritage Commission has first preference to Historic Preservation Funds. The City of Abilene is eligible for up to \$30,000 in these funds each year. They can be used in a wide variety of manners. For more information on any of the above visit: <https://www.kshs.org/p/grants/14613>

Another city incentive that is not exclusive to Historic properties, but applies to many in town is the [Neighborhood Revitalization Program](#).



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Success

Success of this program relies ensuring applications for permits go through this process and detailed reports and minutes on decisions. Utilizing Munilogic or other digital database will be key in keeping track of these properties moving forward. Good record keeping will allow for robust reporting, customer satisfaction, and statutory compliance.

The Heritage Commission can proactively reach out to property owners with twice annual newsletters, announcements of grant opportunities, Recognition of excellent preservation efforts, etc.