

**CITY OF ABILENE
HERITAGE COMMISSION
AGENDA**

January 21, 2021 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 – November 19, 2020
Business 5. Additional Historic District street sign blades along NW 3 rd St. at Spruce, Broadway, and Cedar St. intersections installed and paid for by Heritage Homes Association. 6. Updated Heritage Commission Guide 7. Reappointments confirmed for three-year term (2021-2024): Nanc Scholl, Mary Burtzloff 8. Administrative Review: • Roof & ROW permits issued: a) 109 NW 3 rd St. – Hallmark/C'est La Vie b) 104 NW 3 rd St. – American Family Insurance
8. Comments
9. Adjournment

**CITY OF ABILENE
HERITAGE COMMISSION
MEETING MINUTES**

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

Members Present: Phil Hamilton, Joanne Hamilton, Nanc Scholl, Duane Schrag (Chair)

Members Absent: Mary Burtzloff, Brenda Finn-Bowers, Andrew Pankratz

Staff Present: Planning & Zoning Administrator Kari Zook, City Manager Jane Foltz

Call to Order

The meeting was called to order by Chair Schrag.

Approval of Agenda

J. Hamilton moved to approve the agenda, seconded by Scholl. The motion passed 4-0.

Approval of the Meeting Minutes – July 29, 2020

J. Hamilton moved to approve the minutes, seconded by P. Hamilton. The motion passed 4-0.

Business

Historic District Signage

Signage for the Historic District was discussed. Street sign blades have been placed on the perimeter of Downtown, City Park, Naroma Ct. and Vine Street. The Heritage Homes Association has requested, at their expense, that three more Historic District Downtown sign blades be placed along NW 3rd St. at Spruce, Broadway, and Cedar St. intersections. J. Hamilton moved to approve the additional three signs, seconded by P. Hamilton. The motion passed 4-0.

Heritage Commission Guide

Katrina Ringler, Preservation Office Supervisor with the Kansas Historical Society, sent an edited version of the Heritage Commission Guide with updates including the Administrative Review Project Types List that were adopted by the Heritage Commission in December 2019. After discussion, it was decided to edit the document with the proposed changes from Katrina and bring to the next meeting for final approval.

Administrative Reviews Issued:

Sign Permits:

- Holt Motor (321 N Spruce)
- Bombshell Salon & Spa (304 N Broadway)

Roof & Right-of-Way Permits:

- Kalman Jewelry (210 N Cedar)
- Mystic Hair Studio (208 N Cedar)
- Countryopolitan (317 N Broadway)
- Property located at 311 N Spruce
- Right-of-Way permit at Trapp Pharmacy for sign repair (204 N Cedar)

Building Permits:

- Bombshell Salon & Spa interior remodel (304 N Broadway)

After discussion and approval of all Administrative Reviews, the Heritage Commission would like staff to send notice when future permits are applied for and approved.

Comments

Expiring terms in January 2021 for Heritage Commission members are Nanc Scholl and Mary Burtzloff. Reappointment Consideration forms have been sent.

Signage at the Convention & Visitors Bureau (CVB) was discussed. City staff replaced the changeable flex letter marquee sign with a new stationary welcome sign and repaired the lighting within the sign. Heritage Commission members labeled that as an alteration, not a maintenance project. Approval was given to City staff to paint the border to appropriately match the new welcome sign insert.

Discussion was held about the storefront windows at 310 N. Buckeye still being boarded up from the hailstorm in May 2020. Since this is a privately owned business, they cannot be forced to replace.

Adjournment

Scholl made a motion to adjourn, seconded by J. Hamilton. The motion passed 4-0.

Minutes Approved,

Attest:

Duane Schrag, Chair

Kari Zook, Planning & Zoning Administrator



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419 N. Broadway Abilene, KS 67410
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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 or if there is funding or an undertaking by the government. If properties are listed on both local and state/national registers, a Certificate of Appropriateness and State Law Review are needed. *This includes all buildings and everything within the boundaries (contributing and non-contributing buildings, streets, sidewalks, parks, vacant lots, parking lots, etc.) in a historic district.* State Law Reviews cover both interior *and* exterior work.

The Heritage Commission has entered into an agreement to conduct these reviews on behalf of the state. They should use the 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. 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.

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 must meet *their* standards.



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).*

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 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 are 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 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 "damage or destroy" a property listed in the National Register of Historic Places or the Register of Historic Kansas Places, then the proposed project will be forwarded to the Abilene Heritage Commission for full review before issuance of a permit or approval is given to government entities for projects or repairs.

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 properties 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
- Installation of awnings and signs on commercial properties (when installed into masonry, the attachments are made into mortar joints)
- 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
- Minor public improvements including improvements to streets, curbs, sidewalks, parking areas, parks, and other amenities (work must not impact character-defining features)
- 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 projects under federal preservation law and grant funding programs and has received approval from them.



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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 databases 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.

Community Development
Department
PO Box 519
Abilene, KS 67410-0519
(785) 263-2355



PERMIT NO. 2020-561
Permit Fee: \$25.00

pd 11/20/20
cc

COMMERCIAL ROOF PERMIT APPLICATION

Project Site Address: Hallmark
109 NW 3rd St. Abilene, KS

Property Owner of Record:
Tim Holm

Roof Contractor: Wray Roofing, Inc. State Registration Certificate # 13-115183

Type of roof: TPO

Number of layers of existing covering: 1 Does the existing roof include wood shingles: No

Describe sheathing material: Wood

All roofing material and installation shall meet or exceed the requirements of the 2003 International Building or International Residential Code. Commercial Buildings may require additional information from the product manufacture to insure code compliance.

New roof coverings shall not be installed without first removing all existing layers of roof covering where any of the following conditions occur:

1. Where the existing roof or roof covering is water-soaked or has deteriorated to the point that the existing roof or roof covering is not adequate as a abase for additional roofing.
2. Where the existing roof covering is wood or wood shake, slate, clay, cement or asbestos-cement tile.
3. Where the existing roof has two or more applications of **any** type of roof covering.

In addition to the \$20.00 Roof Permit fee, the contractor shall supply the Building Official, when applicable, with a core sample of the existing roof covering of the structure which is to be roofed. Said sample will be supplied to the Building Official in a clear plastic container (preferably a freezer bag) and will become, and remain, the property of the City of Abilene.

Contractor/ Owner Derrick Klassen Date: 11/20/2020

City Inspector: _____ Date: _____

PERMIT NO. 2020-561-2pd 11/20/20 cc

CITY OF ABILENE

USE OF RIGHT-OF-WAY PERMIT

\$10.00

Application is made under the terms of Ordinances and Specifications of the City of Abilene, Kansas, governing excavation and/or construction within the public right-of-way, to accomplish the work herein described below. Applicant hereby agrees to perform said work and restoration of right-of-way in strict accordance with the provisions of said City Ordinances and Specifications and further agrees to satisfactorily repair any failure or damage within the right-of-way resulting from the excavation or construction covered under this application within one year hereafter.

Applicant agrees to notify Kansas One Call at 1-800-DIG SAFE (1-800-344-7233) the following utilities before excavation is made.

APPLICANT

Name Wray Roofing Att: Derrick KlassenLocation of Proposed Work: HallmarkAddress 1521 NW 36th St.109 NW 3rd St. Abilene, KSCity N. Newton State KS Zip 67117Nature of Work: RoofingPhone: (316)283-6840Cellular: (316)617-5507Start Date: 12/01/2020 - 01/01/2020Emergency #: (316)617-5507Completion Date: 6 Days from Start

Is the work being performed and/or the materials or equipment being used going to be within the driving and/or parking area of a street or alley? ☐ NO ☒ YES (If yes, submit a Traffic Control Plan showing type, quantity, and placement of approved traffic control devices reference Abilene City Code Chapter 6, Article 5, Section 518, paragraph C.)

Will work require full street closure? ☒ NO ☐ YES (If yes, then applicant must obtain a Request for Street Closure form from the Abilene Police Department.)

Duration of Street Closure: 6 Days

Certification: I certify that I have read and understand Chapter 6, Article 5, Rights-of-Way, of the City of Abilene, Kansas Municipal Code, and agree to complete the aforementioned work in accordance with the provisions set forth therein. I agree to call the Community Development Department (263-2355) and/or Public Works Department (263-3510) to schedule appropriate inspections.

Signature Derrick KlassenTitle Project ManagerPrint Name Derrick KlassenDate 11/20/2020Company Wray Roofing, Inc.

(Office Use Only)

Special Conditions: _____

APPROVED ☐ DISAPPROVED ☐

Authorizing Agent: _____

Date: _____

Community Development
Department
PO Box 519
Abilene, KS 67410-0519
(785) 263-2355



PERMIT NO. 2020-563-1
Permit Fee: \$25.00

**RESIDENTIAL ROOF
PERMIT APPLICATION**

pd 12/1/20
cc

Project Site Address: 104 N.W. 3rd St. Abilene, KS 67410
Property Owner of Record: Brian - American Family Insurance
Roof Contractor: Rescue Roofers State Registration Certificate#: 19-001917
Type of roof: (pitched, flat) flat
Number of layers of existing covering: 2 Does the existing roof include wood shingles: no
Describe sheathing material: wood

All roofing material and installation shall meet or exceed the requirements of the 2003 International Building or International residential Code. Commercial Buildings may require additional information from the product manufacture to insure code compliance.

New residential roof coverings shall not be installed without first removing existing roof coverings where any of the following conditions may occur:

1. Where the existing roof or roof covering is water-soaked or has deteriorated to the point that the existing roof or roof covering is not adequate as a abase for additional roofing.
2. Where the existing roof covering is wood or wood shake, slate, clay, cement or asbestos-cement tile.
3. Where the existing roof has two or more applications of any type of roof covering.

Contractor/ Owner [Signature] Date: 12-1-2020
City Inspector: _____ Date: _____
Community Development Director: _____ Date: _____

PERMIT NO. 2020-563-2

pd 12/1/20 CC

CITY OF ABILENE

USE OF RIGHT-OF-WAY PERMIT

\$10.00

Application is made under the terms of Ordinances and Specifications of the City of Abilene, Kansas, governing excavation and/or construction within the public right-of-way, to accomplish the work herein described below. Applicant hereby agrees to perform said work and restoration of right-of-way in strict accordance with the provisions of said City Ordinances and Specifications and further agrees to satisfactorily repair any failure or damage within the right-of-way resulting from the excavation or construction covered under this application within one year hereafter.

Applicant agrees to notify Kansas One Call at 1-800-DIG SAFE (1-800-344-7233) the following utilities before excavation is made.

APPLICANT

Name Rescue RoofersLocation of Proposed Work: 104 N.W. 3rd St.Address 11052 S. Green Rd.Abilene, KS 67410City Clathea State KS Zip 66601Nature of Work: load material to roof,Phone: 913-730-9000Dumpster to alleyCellular: 785-479-1759 - Mark LarsonStart Date: 12/2/2020Emergency #: 913-645-9800 - SuzetteCompletion Date: 12/1/2020

Is the work being performed and/or the materials or equipment being used going to be within the driving and/or parking area of a street or alley? ☐ NO ☐ YES (If yes, submit a Traffic Control Plan showing type, quantity, and placement of approved traffic control devices reference Abilene City Code Chapter 6, Article 5, Section 518, paragraph C.)

Will work require full street closure? ☒ NO ☐ YES (If yes, then applicant must obtain a Request for Street Closure form from the Abilene Police Department.)

Duration of Street Closure: need to put out cones to load material to roof only, Dumpster is in unused alley

Certification: I certify that I have read and understand Chapter 6, Article 5, Rights-of-Way, of the City of Abilene, Kansas Municipal Code, and agree to complete the aforementioned work in accordance with the provisions set forth therein. I agree to call the Community Development Department (263-2355) and/or Public Works Department (263-3510) to schedule appropriate inspections.

Signature [Signature]Title Office ManagerPrint Name Suzette BrooksDate 12/1/2020Company Rescue Roofers

(Office Use Only)

Special Conditions: _____

APPROVED ☐ DISAPPROVED ☐

Authorizing Agent: _____ Date: _____