

# THE TOPEKA LANDMARKS COMMISSION MEETING

Holliday Office Building  
620 SE Madison Ave., Holliday Conference Room, 1<sup>st</sup> Floor

## A G E N D A

Thursday, January 31, 2019

5:30 PM

- I. Roll Call
- II. Approval of Minutes –December 13, 2018 Minutes
- III. **CLGR19-03 by Downtown Topeka Foundation**, requesting a Certificate of Appropriateness State Historic Preservation Law Review for the full demolition of the structure located at 612 S. Kansas Avenue, located within the South Kansas Avenue Commercial Historic District.
  - a) **CLGR19-04 by Downtown Topeka Foundation**, requesting a Certificate of Appropriateness State Historic Preservation Law Review for the construction of a new building to be located at 612 S. Kansas Avenue. This building will replace the current structure that is proposed for demolition and will match the same configuration and footprint as plans previously submitted and approved by the Topeka Landmarks Commission.
- IV. 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.



# TOPEKA LANDMARKS COMMISSION

## MINUTES

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**Thursday, December 13, 2018**

Holliday Office Building | 620 SE Madison | 1<sup>st</sup> Floor Holliday Conference Room

### Roll Call

**Members Present:** Cheyenne Anderson, Jeff Carson, David Heit, Donna Rae Pearson, Paul Post, Grant Sourk (Chair), Christine Steinkuehler, Cassandra Taylor (8)

**Members Absent:** Mark Burenheide (1)

**Staff Present:** Tim Paris, Dan Warner, Kris Wagers

Chairperson Grant Sourk called the meeting of the **Topeka Landmarks Commission** to order with seven members present for a quorum. Mr. Carson arrived after the first vote.

### Approval of Minutes – November 9, 2018

**Motion** by Mr. Post to approve; **second** by Ms. Anderson. **APPROVAL** (7-0-0)

**CLGR18-26 by Marathon Health for Life**, requesting a State Preservation Law Review for the rehabilitation of the 1st floor of the Mills Building for use as an in-patient medical office, located at 901 S. Kansas Avenue. This property is listed as “contributing” to the historic integrity of the South Kansas Avenue Commercial Historic District.

Mr. Carson arrived at 5:35PM.

Mr. Paris presented the staff report and staff recommendation.

Discussion included the height of the drop ceiling, with Ms. Taylor asking for confirmation that it would clear the exterior windows. Mr. Paris stated that the windows are not 8' high so there should be no issue. It was noted that the windows are getting a film added to them. Mr. Paris noted that the film is removable and does not require a permit or approval.

Mr. Paris noted again that the applicant plans to remove non-historic materials and replacing them with more non-historic materials. There is no demolition of any historic materials.

Mr. Post noted that drop ceiling has already been removed. Mr. Paris explained that it would be possible to reconfigure the wiring, tubing, and ductwork, etc., but it would not be inexpensive.

Mr. Heit noted that if the project were being submitted as a tax credit project, SHIPO might request the drop ceilings not be put back. Mr. Paris confirmed. Mr. Heit stated it is not written anywhere that the standards are applied at different levels of conformity based on whether or not it's a tax credit project. Mr. Souk suggested informing the owner of that fact, regardless of the outcome of this evening's review and Mr. Paris stated he would do so.

Mr. Paris confirmed for the commission that any sign(s) requiring a permit will also be reviewed by the Landmarks Commission at a future meeting.

Regarding standard 5 (“Distinctive features, finishes and construction techniques or craftsmanship that characterize a property shall be reserved”), Mr. Heit stated he believes volumes and characters of space created within a building constitute an original feature worthy of preserving, and one of the key characters of the building is its high ceilings. He noted that had the drop ceiling not been removed prior to the commission's review of the project, they would not have the power to tell them they have to remove it.

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However, since the owner has in fact already removed the drop ceiling, Mr. Heit believes the commission has some say about whether placing drop ceilings at a level of 8'10" is damaging an original feature – the volume of the first floor space. Ms. Anderson stated that it could be returned to its original state at any time by once again removing the drop ceiling. Mr. Paris stated that even if the ceiling not been prematurely removed, he believes his recommendation would have been the same.

Mr. Heit noted the Secretary Standards of Rehabilitation speak to re-use for a different use and the need for the new use to be appropriate and compatible to the historic property. He wonders if a medical clinic and the changes necessary for privacy is an appropriate and compatible use for this particular physical space.

Mr. Carson stated that he goes back to the fact that the proposed changes are reversible.

Mr. Heit noted the distinction between an existing drop ceiling in place remaining and an existing drop ceiling being removed in its entirety and replaced with an entirely new one.

Ms. Steinhkuehler noted that if the walls were taken all the way to the original ceiling, more damage would be done than taking them only to the drop ceiling height.

**Motion** by Mr. Carson to find that the interior reconfiguration project as proposed for 901 S. Kansas Avenue will not damage or destroy the historical integrity of the structure or the surrounding South Kansas Avenue Commercial Historic District; **second** by Mr. Post. **APPROVAL** (6-2-0 with Ms. Pearson and Mr. Heit dissenting)

Mr. Sourk stated that there would be an adjustment to the order of the agenda, with item #6 being moved forward. He then called CLGR18/30 by Architect One.

**CLGR18-30 by Architect One, LLC**, requesting a State of Kansas Historic Preservation Law Review for the refinish and rehabilitation of the 2nd-level of property located at 921 S. Kansas Avenue. This property is listed as a "contributing" property within the boundaries of the South Kansas Avenue Commercial Historic District.

Mr. Paris presented the staff report and recommendation for approval. He stated that he had gone into the building to look at the windows on the 2<sup>nd</sup> floor front and they are in remarkably good condition with pulleys and weights still intact. The windows facing the alley are not in good shape and should, in his opinion, be replaced. He noted that the current tenant is seeking to repair some of the plaster that's in disrepair, but she's also wanting to keep some of the plaster off to leave the exposed walls. Essentially the project is a refinish with minimum interior changes.

Andrew Wiechen with Architect One came forward to speak. Mr. Wiechen explained that some of the drawings in the packet were done before he and Mr. Paris had examined the windows and found them to be in good shape so those drawings can be disregarded. He also noted that a sign in the drawing will be up for review at a future meeting. He explained that the some of the flooring that is not in as good shape will be replaced with flooring from other areas.

Ms. Anderson asked why the walls wouldn't be repaired and refinished as they were originally. Mr. Wiechen stated that some of the plaster is in such bad shape that it would have to be totally removed and replaced and that exceeds the scope of this project.

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Mr. Wiechen confirmed for Mr. Sourk that the front windows will be retained and the back windows will be replaced.

**Motion** by Ms. Pearson for a finding that the interior restoration project as proposed for 921 S. Kansas Avenue will not damage or destroy the historical integrity of the structure or the surrounding South Kansas Avenue Commercial Historic District, with the stipulation that the front windows (east) will be restored rather than replaced; **second** by Mr. Heit. **APPROVAL** (7-0-1 with Ms. Taylor abstaining)

**CLGR18-28 by Downtown Topeka Foundation**, requesting a State Historic Preservation Law Review for the expansion of a structure located at 612 S. Kansas Avenue, for use in conjunction with an adjacent open-space plaza located on the east side of the 600-block of S. Kansas Avenue. The partial demolition of this structure was approved by the Topeka Governing Body at their regularly scheduled meeting on May 8, 2018. This property is located within the boundaries of the South Kansas Avenue Commercial Historic District.

Mr. Paris presented the staff report and staff recommendation of approval. Zach Snethen of HTK Architects came forward to speak on behalf of Downtown Topeka Foundation. He explained that the project includes only the exterior façade; interior will be left as a shell for future tenant finish. Mr. Snethen spoke about the proposed exterior materials and answered questions as they were posed. Mr. Post expressed concern about removal of the stone wall between the two existing buildings. Mr. Snethen stated that it would likely fall down if they attempted to leave it. Mr. Sourk added that the Commission is not approving demolition as this was already approved by the Governing Body.

Ms. Anderson referenced discussion from a previous DRC meeting regarding differentiating the two levels of the building. Mr. Snethen explained that in response to that discussion, the architects removed a stone banding and now plan for double-hung windows, though he's not sure that they will be operable.

Ms. Pearson expressed concern about an attempt to replicate a time period that this building has never been associated with. The building is from the 80's and proposed changes will make it look like it's from the early 1900s. She's concerned that we're losing buildings built during the 80's and they'll never be given an opportunity to become historic material. Mr. Paris explained that the proposed changes are in keeping with the design guidelines for new construction, and the extension of this building is considered new construction. Mr. Sourk noted that he doesn't believe anyone will be able to tell there's a 1982 building encapsulated within the new building design. Ms. Pearson believes this is part of the problem. Mr. Sourk stated that if the entire 1982 building were being demolished, he doesn't believe there'd be an issue with the proposed design being built.

**Motion** by Ms. Taylor for a finding that the proposed rehabilitation and addition onto the property located at 612 S. Kansas Avenue will not damage or destroy the historical integrity of this property or the historic integrity of the surrounding South Kansas Avenue Commercial Historic District; **second** by Ms. Anderson. **APPROVAL** (7-1-0 with Ms. Pearson dissenting)

**CLGR18-29 by Downtown Topeka Foundation**, requesting a State Historic Preservation Law Review for the construction of a new 1-story building located on the east-side of the alley and adjacent to the parking garage located in the mid-600 block of SE Quincy Street. This building will be used in conjunction with an

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open-space plaza, located on the east side of the 600-block of S. Kansas Avenue. This property is located within the boundaries of the South Kansas Avenue Commercial Historic District.

Mr. Paris presented the staff report and staff recommendation for approval. Zach Snethen of HTK Architects came forward to speak on behalf of Downtown Topeka Foundation. He noted that the building on the north side will be restrooms and the building on the south side will be for pump systems to run fountains in the plaza, as well as other electrical/mechanical equipment. He described the exterior materials proposed, which will be a blend of masonry units that do not have to be painted and will be similar to colors what will be used in the paving of the plaza.

Mr. Heit asked if there would be roof-top units and Mr. Snethen stated there would be. The roofs will be flat with roof drains, so no guttering. There will be a bit of a parapet (approx. 8"). Screening of the roof units has not been discussed but it's a possibility if deemed necessary.

**Motion** by Ms. Pearson for a finding that the proposed rehabilitation and addition onto the property located at 615 SE Quincy Street will not damage or destroy the historical integrity of this property or the historic integrity of the surrounding South Kansas Avenue Commercial Historic District; **second** by Mr. Post. **APPROVAL** (8-0-0)

### Administrative Approvals

Mr. Paris reported on the approval for fencing to enclose a back yard at 227 SW Woodlawn in Potwin. He sought review/approval from SHIPO as the owner was needing an answer as soon as possible to ensure the safety of their dog.

### Other Items

Mr. Paris reported that the Wood Window Restoration Workshop was an outstanding success and future workshop topics have been suggested. Bob Yapp may be able to do a vinyl siding restoration workshop which would, with the work of volunteers, remove vinyl siding from 3 homes to restore their status as a contributor. Mr. Paris has a meeting early in January to discuss the possibility. Funding will need to be acquired.

Mr. Carson reported that there is a meeting under the marquee at Jayhawk Theater on December 19 at 4PM to discuss progress in the development of the alleyway as an entertainment venue, with a goal of making the alley a programmable space for private events, etc.

Mr. Paris reported that 2019 projects will include Tennessee Town Survey Phase II. He also mentioned that we will be doing a second multiple property documentation form for mid-century buildings in Topeka citywide.

### Adjournment at 6:49PM

**CERTIFIED LOCAL GOVERNMENT  
CERTIFICATE OF APPROPRIATENESS  
REVIEW REPORT  
TOPEKA PLANNING DEPARTMENT**

**CASE NO: CLGR19-03**

**by: Downtown Topeka Foundation**

**Project Address:** 612 S. Kansas Avenue

**Property Classification:** Non-Contributing structure within the South Kansas Avenue Commercial Historic District, Listed on the *Register of Historic Kansas Places*, and the *National Register of Historic Places*

**Standards:** Secretary of the Interior's Standards for Rehabilitation

**Attachments:** Site Plan [ ] Elevations [X] Arch./Const. Plans [ ] Pictures [X]

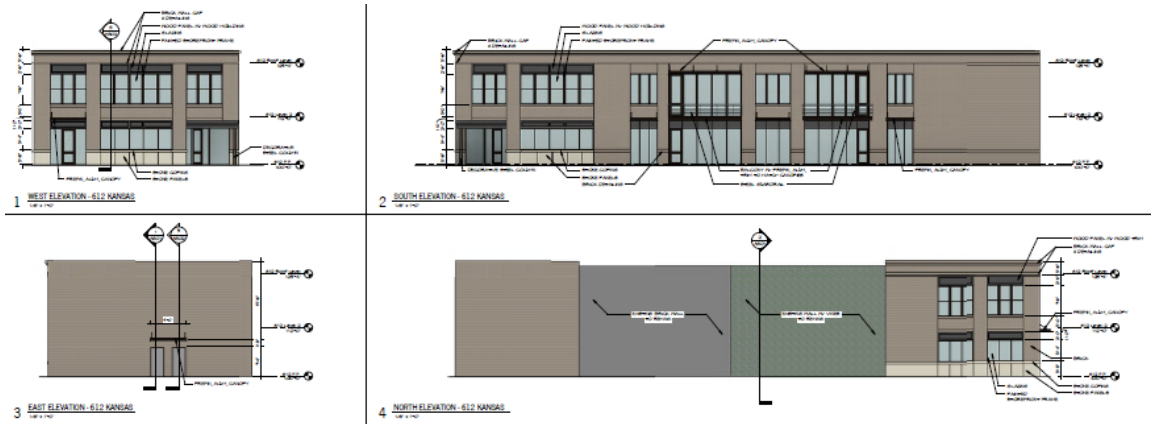
**PROPOSAL:** The applicant is requesting a Certificate of Appropriateness for the demolition of structure located at 612 S. Kansas Avenue, located within the South Kansas Avenue Commercial Historic District. The demolition will be replaced in the same configuration and footprint as plans previously submitted and approved by the Topeka Landmarks Commission.

**BACKGROUND:** The applicant has previously received approval from the Topeka Governing Body for the partial demolition of this structure. This approval was in conjunction with the Governing Body's approval for the development of a public plaza on adjacent parcels to the south within this block. On December 13, 2018, the Topeka Landmarks Commission approved plans for the design and appearance for the partial reconstruction of this building. Since that time, however, it has been determined by structural engineers hired by the Downtown Topeka Foundation that the remaining portion of this building lacks the structural stability and integrity on its 2<sup>nd</sup>-level to be adequately utilized for its intended purpose in conjunction with the adjacent plaza. Therefore, the Foundation is requesting approval for the full demolition of this structure provided that it be replaced with a building consistent with the plans previously approved by the Landmarks Commission.

The Topeka Landmarks Commission has been requested to conduct a Certificate of Appropriateness Review to determine any possible damage or destruction of the historic character this proposal may impose on this property, and to the surrounding South Kansas Avenue Commercial Historic District.

This property is listed within the KHRI as being a two-story building, used for commerce/trade purposes. Its architectural style is categorized as Postmodern/Neoelectic. Its physical description is a “two-story professional building with dark brown brick walls and deeply recessed fixed, tinted windows and cantilevered balconies. The south wall is the original stone wall for the building that stood on the site previously. An exterior dogleg stair with curved brick walls stands at the center of the rear elevation.” The estimated date of construction for this building is 1986.





**REVIEW SUMMARY:** The Kansas State Historic Preservation Office requires that all projects occurring on any property listed on the Register of Historic Kansas Places be reviewed for their affect on the listed property and the surrounding district. State law (K.S.A. 75-2724) establishes that the Secretary of the Interior's Standards for Rehabilitation be used to evaluate changes proposed to any property that is individually listed, or is located within an historic district. The following is an analysis of the application of each Standard to the proposed project.

**Standard 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.*

**Analysis:** The partial demolition of this structure has previously been approved by the Topeka Governing Body. As the result of this proposal, this structure will be replaced with a building consistent with designs previously approved by the Topeka Landmarks Commission as meeting with the Secretary's Standards for Rehabilitation. Therefore, no loss of the defining characteristics of the *use* of this property will result by the approval of this proposal.

**Standard 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.*

**Analysis:** Although this building is listed as "non-contributor" to the historic district, its use as commercial property, consistent with the mass, sizing, rhythm, and scale as the rest of the surrounding historic district, will be replaced and maintained.

**Standard 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.*

**Analysis:** This property will be redeveloped consistent with plans previously approved by the Topeka Landmarks Commission that have been deemed to be in keeping with the Secretary's Standards for Rehabilitation. All character-defining features of this property were previously removed at the time of its redevelopment in 1986.

**Standard 4.** *Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.*



**Analysis:** No visible portions of this property have acquired historic significance in their own right. However, its use for commercial purposes will be retained once its replacement is completed.

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

**Analysis:** No historic features, finishes, or construction techniques are present within this building that would characterize this property.

**Standard 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.*

**Analysis:** No historic features remain in the portion of the building originally slated for rehabilitation. All historic features associated with this building were removed in 1986, prior to the designation of the surrounding historic district.

**Standard 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.*

**Analysis:** N/A

**Standard 8.** *Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.*

**Analysis:** N/A

**Standard 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.*

**Analysis:** A new building is proposed for construction on this site to replace the remnant portion of this building. Those plans are consistent with the designs and configurations that have been previously approved by the Topeka Landmarks Commission.

**Standard 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.*

**Analysis:** N/A

**STAFF RECOMMENDATION:** In light of these standards and the preceding analysis, Planning Staff recommends to the Topeka Landmarks Commission a finding that the proposed demolition of the property located at 612 S. Kansas Avenue with replacement consistent with plans previously approved **will NOT damage or destroy the historic character or the historic integrity of this property, nor the historic integrity of the surrounding South Kansas Avenue Commercial Historic District.**

**APPEAL TO THE GOVERNING BODY:** If the Landmarks Commission determines that the proposed treatment will damage or destroy the historic integrity of the property and/or the surrounding historic district, the applicant may appeal to the governing body. It will be incumbent upon the governing body to make a determination, after consideration of all relevant factors, that: (1) there are no feasible and prudent alternatives to the demolitions of the structures; and (2) that alternatives to the project include all possible planning to minimize harm to the property and the district that may result from those alternatives.

Suitable grounds for appeal under the Kansas Preservation Act, and as outlined within the adopted Downtown Topeka Design Guidelines, include any project that:

- Is a substantial, contributing use of clear public benefit to the revitalization of Downtown Topeka, either as an anchor, or as a small project with minimal negative impact;
- Enhances vitality in the streetscape, and is of benefit to adjacent historic properties;
- Emphasizes historic character and, though not in full compliance with the Secretary's Standards, adequately addresses the preservation and appropriate treatment of existing historic fabric;
- Is compatible with and enhances the overall character of the historic district;
- Exhibits exceptional design quality;
- Has no negative impacts to the historic district's primary contributing historic buildings of high integrity; and
- Mitigates any adverse effects on other contributing historic buildings.

Prepared by: \_\_\_\_\_

  
Timothy Paris, Planner II

January 30, 2019

## CERTIFIED LOCAL GOVERNMENT CERTIFICATE OF APPROPRIATENESS REVIEW REPORT

TOPEKA PLANNING DEPARTMENT

CASE NO: CLGR18-28

by: Downtown Topeka Foundation

**Project Address:** 612 S. Kansas Avenue.

**Property Classification:** *Non-Contributing* property within the boundary of the South Kansas Avenue Commercial Historic District, Listed on the *Register of Historic Kansas Places*, and the *National Register of Historic Places*

**Standards:** Secretary of the Interior's Standards for Rehabilitation

**Attachments:** Site Plan [ ] Elevations [X] Arch./Const. Plans [X] Pictures [ ]

**PROPOSAL:** The applicant is requesting a Certificate of Appropriateness for the construction of a new building to be located at 612 S. Kansas Avenue. This building will replace the current structure that is proposed for demolition.

**BACKGROUND:** In December of 2018, the Topeka Landmarks Commission reviewed plans for the partial reconstruction and rehabilitation of the building on this property. The plans presented at that time were consistent with the Secretary of the Interior's Standards, and did not threaten or damage the historic integrity of the surrounding historic district. Since that time, it has been determined that the previously approved project is not feasible, and therefore full demolition of the structure is required. The plans presented for the review at this time are consistent and essentially identical to the design of the building previously approved by the Commission. This resulting building will be a new infill development, as opposed to a half-new rehabilitation project.

**REVIEW SUMMARY:** The Kansas State Historic Preservation Office requires that all projects occurring on any property listed on the Register of Historic Kansas Places be reviewed for their effect on the listed property and the surrounding district. State law (K.S.A. 75-2724) establishes that the Secretary of the Interior's Standards for Rehabilitation be used to evaluate changes proposed to any property that is individually listed, or is located within an historic district. The following is an analysis of the application of each Standard to the proposed project.

**Standard 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.*

**Analysis:** No changes to the principle use of this property are proposed. The proposed building will be consistent with the plans previously approved by the Landmarks Commission for the rehabilitation and expansion of the building currently located at this same site. The proposed building will face west, and will more closely resemble a traditional commercial main street building, being two-story, with a lower storefront, bulkhead, and the appearance of upper-floor double-hung windows.

**Standard 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.*

**Analysis:** The postmodern/neoelectic architectural style of the building presently at this location is not indicative of the general character of the surrounding historic district. Its front facade is set back roughly 60' from the sidewalk, also not in keeping with the historic character of the surrounding district. The proposed reconfiguration for the new building will more closely resemble a traditional commercial structure, albeit with a more contemporary architectural style.

**Standard 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.*

**Analysis:** This project will not introduce any features that will present a false sense of historical development or conjectural features. The proposed design will not impose unnecessary or harmful deviations in historic or non-historic character onto the surrounding historic district.

**Standard 4.** *Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.*

**Analysis:** This property has not achieved any historic significance in its own right. The proposed uses of this property will remain consistent with its historic purpose.

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

**Analysis:** No historic distinctive features, finishes, construction techniques, or examples of craftsmanship are associated with this property. The proposed project will use consistent quality materials of brick and stone in its construction.

**Standard 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.*

**Analysis:** N/A

**Standard 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.*

**Analysis:** N/A

**Standard 8.** *Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.*

**Analysis:** N/A

**Standard 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.*

**Analysis:** No historic materials will be lost in conjunction with this project. The new work will be compatible with the massing, size, and scale of the surrounding historic district. The new construction will utilize a more contemporary design. The Downtown Design Guidelines recommend for new construction within the historic district: *"New construction and additions related to existing buildings should be of a design that is respectful of the character of the historic district as a whole, the buildings to which it is related, and buildings in the immediate vicinity as outlined in the guidelines for new construction on vacant and open lots [discussed] in this chapter."* This project also reinforces the presence of a street wall that will be lost as a result of the demolition of other buildings within this block, and the conversion of that land for use as a public plaza.

**Standard 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.*

**Analysis:** N/A

**STAFF RECOMMENDATION:** In light of these standards and the preceding analysis, Planning Staff recommends to the Topeka Landmarks Commission a finding that the proposed plans for new construction on property located at 612 S. Kansas Avenue **will not damage or destroy the historic character or the historic integrity of this property, nor the historic integrity of the surrounding South Kansas Avenue Commercial Historic District.**

Prepared by:



Timothy Paris, Planner II

**APPEAL TO THE GOVERNING BODY:** If the Landmarks Commission determines that the proposed treatment will damage or destroy the historic integrity of the property and/or the surrounding historic district, the applicant may appeal to the governing body. It will be incumbent upon the governing body to make a determination, after consideration of all relevant factors, that: (1) there are no feasible and prudent alternatives to the demolitions of the structures; and (2) that alternatives to the project include all possible planning to minimize harm to the property and the district that may result from those alternatives.

Suitable grounds for appeal under the Kansas Preservation Act, and as outlined within the adopted Downtown Topeka Design Guidelines, include any project that:

- Is a substantial, contributing use of clear public benefit to the revitalization of Downtown Topeka, either as an anchor, or as a small project with minimal negative impact;
- Enhances vitality in the streetscape, and is of benefit to adjacent historic properties;
- Emphasizes historic character and, though not in full compliance with the Secretary's Standards, adequately addresses the preservation and appropriate treatment of existing historic fabric;
- Is compatible with and enhances the overall character of the historic district;
- Exhibits exceptional design quality;
- Has no negative impacts to the historic district's primary contributing historic buildings of high integrity; and
- Mitigates any adverse effects on other contributing historic buildings.