

**LEAVENWORTH PRESERVATION COMMISSION  
COMMISSION CHAMBERS, CITY HALL  
100 N. 5<sup>th</sup> Street  
Leavenworth, KS 66048**

**REGULAR SESSION  
Wednesday, March 1, 2023  
6:00 p.m.**

**AGENDA**

CALL TO ORDER:

- 1. Roll Call/Establish Quorum**
- 2. Approval of Minutes: January 4, 2023**

OLD BUSINESS:

**None**

NEW BUSINESS:

**1. 2023-05 LPC – 1000 3<sup>rd</sup> Avenue**

A State Law review (KSA 75-2724) for proposed modifications to the property located at 1000 3rd Ave., a property located in the 3rd Avenue Historic District, under the Secretary of the Interior's Standards for Rehabilitation.

OTHER BUSINESS/CORRESPONDENCE:

**1. MINOR STATE LAW REVIEW AND/OR MINOR CERTIFICATE OF APPROPRIATENESS (4) –  
No action required.**

- 900 5<sup>th</sup> Avenue – new furnace
- 702 Cherokee – roof replacement
- 506 Delaware – awning with company name
- 600 Cherokee – 8' wood rear privacy fence

ADJOURN



**LEAVENWORTH PRESERVATION COMMISSION MINUTES**  
**COMMISSION CHAMBERS, CITY HALL**  
100 N 5<sup>th</sup> Street, Leavenworth, Kansas 66048  
**WEDNESDAY, JANUARY 4, 2023, 6:00 PM**

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**CALL TO ORDER:**

**Board Members Present**

Rik Jackson  
Ed Otto  
Sherry Hines Whitson  
Dick Gibson  
Ken Bateman

**Board Member(s) Absent**

**City Staff Present**

Julie Hurley  
Bethany Falvey

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

**APPROVAL OF MINUTES:** October 5, 2022

Chairman Jackson asked for comments, changes or a motion on the October 5, 2022 minutes presented for approval. Commissioner Gibson moved to approve the minutes as corrected, seconded by Commissioner Bateman and approved by a vote of 5-0.

**OLD BUSINESS:**

None

**NEW BUSINESS:**

**1. 2023-01 LPC – 211 PINE STREET**

A State Law review (K.S.A. 75-2724) for the proposed modification to the property located at 211 Pine Street, a property located in the Arch Street Historic District, determine if the project meets the Standards for Rehabilitation as set forth by the Secretary of the Interior.

Chairman Jackson called for the staff report.

City Planner Bethany Falvey stated the subject property is located in the Arch Street Historic District, which was listed in the Register of Historic Kansas Places and National Register of Historic Places in 2002. The house is a

two-story Queen Anne-style house with asbestos siding and a hip roof with a front gable. Both the house and garage are non-contributing structures to the historic district due to the secondary (asbestos-shingle) siding. Despite the house being non-contributing to the district, the National Register nomination identifies the “front entry with transom, 6/1 windows, a 16/1 first-story front window, a two-story ell with an inset porch at the end of the first story, and a one-story rear addition and porch,” as notable features.

The property had a fire in the rear part of the house and caused damage to a portion of the building. The applicant is proposing to do a whole house remodel, including cleaning and repainting the siding, installing a new asphalt roof and gutters, and replacing the windows with American Craftsman one-over-one vinyl windows. The work listed above is also proposed for the garage. The proposed work for the interior includes, a new 200 amp service box, new HVAC system, new sheetrock installation where damaged or missing due to fire, repaint the whole house, installation of new cabinets, countertops and LVT plank flooring in the kitchen, new fixtures and LVT plank flooring in the bathrooms, and new carpet in all bedrooms.

#### **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.

*No such change is proposed.*

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.

*The historic wood windows are proposed to be removed and replaced with American Craftsman one-over-one vinyl windows.*

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 such change 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 work is proposed.*

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

*The existing wood 6/1 windows and 16/1 first story front window are distinctive to the property.*

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 severity of deterioration has not been documented and the proposed replacement windows do not match the existing.*

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.

*Sandblasting is not a recommended treatment for cleaning of the siding and could also cause environmental concerns.*

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 ground disturbing work is proposed.*

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 historic wood windows are proposed to be removed and replaced with American Craftsman one-over-one vinyl windows. The proposed replacement windows do not match the existing.*

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.

*No such work is proposed.*

#### **ACTION /OPTIONS:**

- Motion, to determine that the proposed changes to 221 Pine Street do not damage or destroy the Arch Street Historic District.
- Motion, to determine that the proposed changes to 211 Pine Street does damage or destroy Arch Street Historic District.
- Motion, to Table item until the next meeting for the purpose of gathering additional information.
- Motion, to forward to the SHPO for review.

Chairman Jackson called for questions about the staff report.

Commissioner Whitson asked if the exterior will be painted, and if so, what color.

Property owner Jeff Rumas (resides at 516 Spruce St.) responded the exterior will have a green base with white trim. Mr. Rumas stated he has purchased numerous properties in Leavenworth County over the past 18 years. Several properties have been kept as long-term rental properties, which is what his intent is with the subject property, while other properties were sold.

Chairman Jackson asked staff if the subject property is registered as a historic property or if it is just located in a historic district.

Ms. Falvey responded the property is located in an historic district. Properties within historic districts are contributing or non-contributing but every property is reviewed within a district whether it is contributing or non-contributing. The subject property is non-contributing. Ms. Falvey further stated the national register nomination stated the character defining features of the house but it is non-contributing so the changes proposed are not going to change it so significantly that it would impact the district as a whole.

Commissioner Whitson asked the applicant the timeline for the proposed renovations.

Ms. Rumas responded he would like to start work immediately and is hoping to have it complete by late spring.

Mr. Rumas further stated the houses located at 216 Pine, 217 Pine, 218 Pine and 219 Pine, which are all located in the same historic district, all have the same windows he is proposing to install in the subject property, which are all one-over-one vinyl windows.

With no further questions about the staff report, Chairman Jackson opened the public hearing.

Scott Cunningham, 211 Arch Street, supports the proposed renovations at 211 Pine Street stating the interior renovations should be left up to the owner's discretion, and the choice of the one-over-one vinyl windows are the same as several other homes in the historic district. Mr. Cunningham further stated, as property owners of homes in a historic neighborhood, they still want to have things that are attractive and appropriate but they do not live in time capsules or museums and they do not gain any tax advantages from living in historic neighborhoods. They live in historic neighborhoods because they love the houses and they want to live there in that neighborhood. Property owners in historic districts should not be constricted to living in a time capsule. Renovations in historic neighborhoods should have the mindset that it needs to be done with thought, deliberation and possibly with approval but it is not something that can be banned outright; rather it should just be moderated or considered. If the modification, enhancement or renovation makes the home better, then there is no reason it should not be allowed so long as it maintains the character or the period appropriateness of the neighborhood.

With no one else wishing to speak, Chairman Jackson closed the public hearing and opened it up for discussion among the commissioners.

With no further discussion or questions, Chairman Jackson called for a motion. Commissioner Whitson moved to determine that the proposed changes to 211 Pine Street do not damage or destroy the Arch Street Historic District, seconded by Commissioner Bateman and passed by roll call vote of 5-0.

Chairman Jackson addressed Mr. Cunningham's concerns stating this board does not strive to not make progress in what they are doing but rather to make sure there is consistency across the board in the quality that is being brought to that specific historic neighborhood.

## **OTHER BUSINESS/CORRESPONDENCE**

### **1. MINOR STATE LAW REVIEW AND/OR MINOR CERTIFICATE OF APPROPRIATENESS**

Chairman Jackson noted there are a few minor state law reviews included in the agenda packet, which do not require action from the commission.

### **2. TRAINING**

Ms. Falvey stated this is an overview of the Secretary of Interior Standards for the treatment of historic properties (see Appendix A).

Ms. Hurley stated Commissioners Otto and Gibson's terms are expiring in April 2023, and asked them to let staff know if they would like to be reappointed.

Ms. Falvey stated there are no items on the agenda for February.

With no further discussion, Chairman Jackson called for a motion to adjourn. Commissioner Bateman moved to adjourn, seconded by Commissioner Gibson and approved by a vote of 5-0.

Meeting adjourned at 6:55 p.m.

Minutes taken by Administrative Assistant Michelle Baragary.

DRAFT

# Secretary of the Interior's Standards for the Treatment of Historic Properties

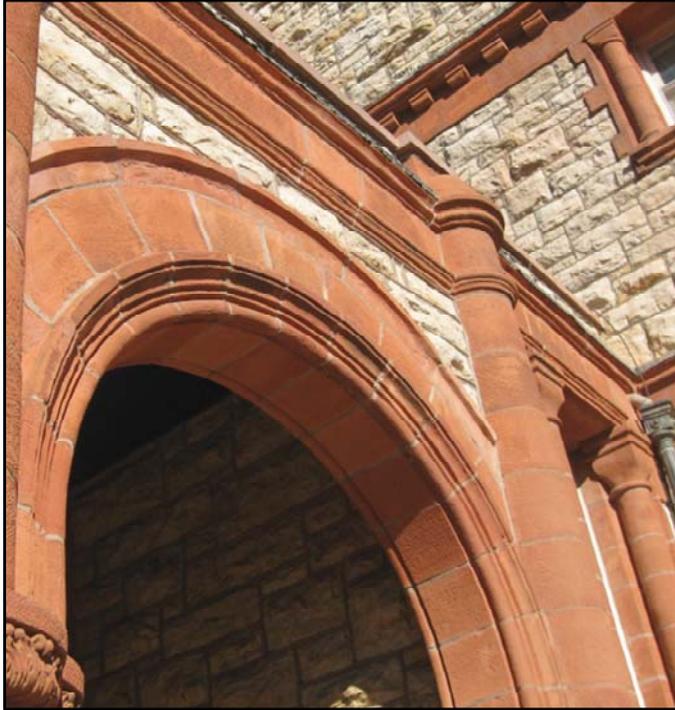
LPC Training

January 4, 2023

Who is the secretary and why are there standards?

Under the NHPA, the Secretary of the Interior is responsible for establishing professional standards AND for providing guidance on the preservation of the nation's historic properties.

We typically call them the "standards"



THE SECRETARY  
OF THE INTERIOR'S  
**STANDARDS FOR  
THE TREATMENT  
OF HISTORIC  
PROPERTIES**

WITH  
**GUIDELINES FOR  
PRESERVING,  
REHABILITATING,  
RESTORING &  
RECONSTRUCTING  
HISTORIC  
BUILDINGS**

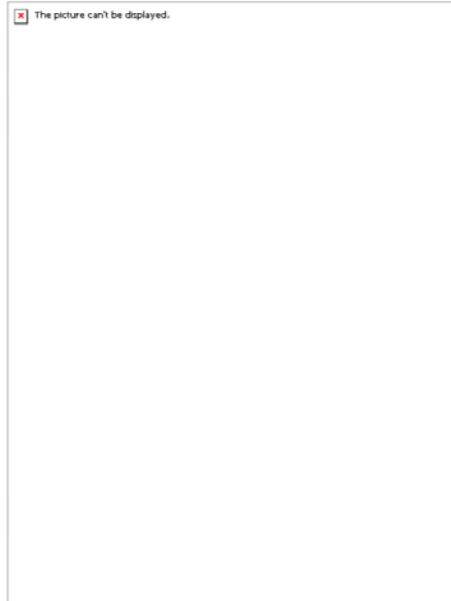


Originally created in 1978  
Updated in 1983; 1995

## Standards for the Treatment of Historic Properties

- Preservation
- Rehabilitation
- Restoration
- Reconstruction

Identify, Retain, and Preserve



The SOI's standards addresses the 4 types of treatments.

- 1 Preservation
- 2 Rehabilitation
- 3 Restoration
- 4 Reconstruction

The Guidelines are intended as an aid to assist in applying the Standards to all types of historic buildings. They are not meant to give case-specific advice or address exceptions or unusual conditions.

- Preservation as a treatment focuses on the maintenance and repair of existing historic materials and retaining the form and character of a property as it has evolved over time.
- Rehabilitation as a treatment recognizes the need to alter or add to a historic property in order to meet continuing or changing uses while simultaneously retaining the character of the historic property.
- Restoration as a treatment focuses on depicting a property at a certain period of time in history, and removes evidence from other periods that aren't appropriate.
- Reconstruction as a treatment sets out to re-create lost or non-surviving aspects or portions of a property for interpretive purposes.

Always identify, retain, and preserve, regardless of the Standard used.

## Rehabilitation Treatment



- Making compatible use of a property through repair, alterations, and additions while maintaining the historic features.
- Building materials and character-defining features are protected and maintained.
- Historical, cultural, or architectural elements are important.

Defined as the act or process of making a compatible use for a property. Through repair, alterations, and additions. While preserving those portions or features which convey its historical, cultural, and architectural values.

Of the 4 standards; rehab allows for alterations and the construction of a new addition, IF necessary for continuing or new use.

This standard requires keeping character-defining features of the property.

This is the most commonly used standard as it allows for change to a property.

# Historic Architectural Integrity

## 7 Aspects of Integrity

1. Location
2. Design
3. Setting
4. Materials
5. Workmanship
6. Feeling
7. Association



The National Register program defines integrity as consisting of 7 distinguishable aspects: Location, Design, Setting, Materials, Workmanship, Feeling, and Association

Something to always consider is: Is the property still able to convey its significance?

# Standard 1

## Similar Use

Choose an appropriate use.

A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces and spatial relationships.



“Use”

Fit the use to the building, don't fit the building to the use.

Examples:

Hotel → Office

Silo → Lofts (not good, no windows)

House → Restaurant

## Standard 2

### Retain Character

The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces and spatial relationships that characterize a property will be avoided.

Preserve character-defining materials and features.



“Historic character” - Keep important features and spaces.

Rehab standards begin with – identifying that the important features of a property might be.

Look at the form of the building, the architectural detailing in materials and features.

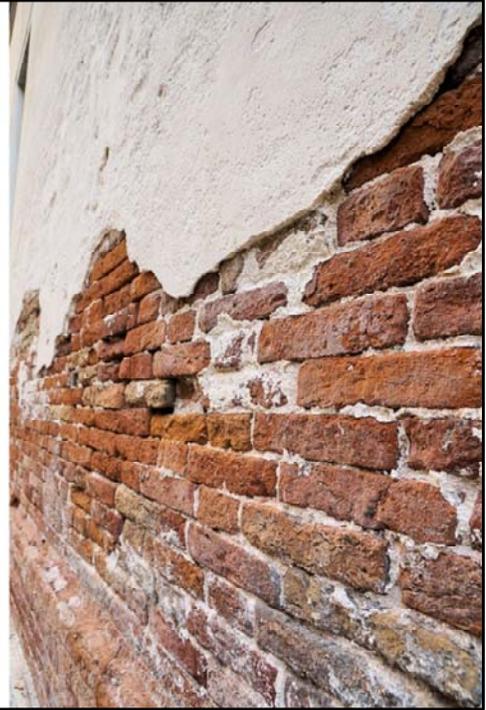
Once the character-defining features are identified, retain and preserve them.

## Standard 3

### Period of Significance

Each property will 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 elements from other historic properties, will not be undertaken.

Don't create false history.



## Standard 4

### Historic Alterations

Changes to a property that have acquired historic significance in their own right will be retained and preserved.

Consider later changes as potentially significant.



“Significant alterations” - Keep significant layers

This 1940s storefront as acquired significance and is now a character defining feature of the property.

The curved glass display window, recessed entrance with decorative paving should be preserved

# Standard 5

## Craftsmanship

Protect distinctive construction and craftsmanship.

Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.



“Materials and construction methods” - Keep important materials, techniques

Carthalite Concrete on Wichita Municipal Airport Administration Building

## Standard 6

### Repair or Replace?

Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.

Repair rather than replace.  
Replace in-kind when necessary.



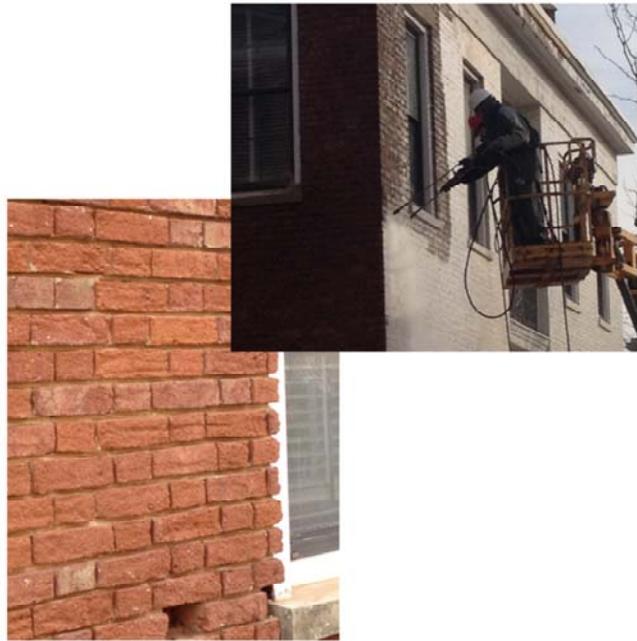
“Repair over replace” - If can’t preserve, replace in-kind

Wood boards were repaired where able and  
Severely deteriorated boards were replaced in-kind

## Standard 7

### Do No Harm

Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.



“Chemical and Physical Treatments” - Clean carefully

# Standard 8

## Archaeology

Protect significant archaeological resources.

Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.



Removing artifacts from their original location creates a lack of context.

Artifacts should remain in location within context for interpretation.

## Standard 9

### New Construction

New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.

Make alterations and new additions compatible.



“Integrity and compatibility” - The same but different.

# Standard 10

## Reversibility

Make new additions reversible.



New additions and adjacent or related new construction will 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.

“Integrity and reversibility”

LEAVENWORTH PRESERVATION COMMISSION

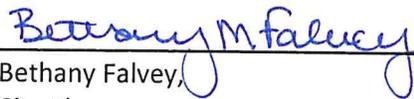
State Law Review

KSA 75-2724

1000 3<sup>rd</sup> Avenue

March 1, 2023

**PREPARED BY:**

  
Bethany Falvey,  
City Planner

**APPROVED BY:**

  
Paul Kramer,  
City Manager

**APPLICANT/OWNER:**

USD 453 Board of Education

**SUBJECT:**

A State Law review (KSA 75-2724) for proposed modifications to the property located at 1000 3<sup>rd</sup> Ave., a property located in the 3<sup>rd</sup> Avenue Historic District, under the Secretary of the Interior's Standards for Rehabilitation. The scope of work includes, "window replacement, HVAC upgrades, and interior acoustical ceilings and lights."

**STAFF ANALYSIS:**

The property is the historic Leavenworth Junior High School, now the Nettie Hartnett Education Center is located in the 3<sup>rd</sup> Avenue Historic District, which was listed in the Register of Historic Kansas Places and National Register of Historic Places in 2002. Myron K. Feth of Leavenworth architectural firm, Feth & Feth, designed the brick 1923 Tutor Revival style school building. Aluminum windows replaced the original 9/9 wood windows. In the rear (west) elevation is a 1999 two-story addition.

The proposed work includes window replacement in the front and two side elevations, HVAC upgrades, and the addition of interior classroom acoustical ceiling tiles. Replacement windows would meet the SOI Standards since the windows to be replaced are already replacement windows. HVAC upgrades can be made to meet the Standards. The addition of the drop ceilings would change the character of the historic property and would encourage the applicant to consider keeping at least one classroom at the historic height as a representation of the historic character. However, the installation of acoustical tiles is limited to the classrooms and would retain historic character in the primary spaces of the corridors.

At this time, the USD 453 Board of Education is asking for an initial discussion with the board and has not submitted a complete application at this time. Staff recommends tabling the item to a future meeting once a complete application is submitted.

**ACTION/OPTIONS:**

- Motion, to Table item until the next meeting for the purpose of gathering additional information.
- Motion, to forward to the SHPO for review.



Application No. 2023-05 LPC  
Filing Date 1/9/2023 by Bmf

### HISTORICAL IMPACT DETERMINATION

Property Address: 1000 3rd ave Leavenworth, KS. 66048

Print Name of Property Owner: USD 453 Board of Education

Address of Property Owner: 200 N 4th Street Leavenworth, KS. 66048

Phone: 913-684-1400 Email: \_\_\_\_\_

Applicant Name (if different from property owner): Matt Dedeke

Phone: 913-684-1560 Email: Matt.Dedeke@lvpioneers.org

Legal Description: (Attach recorded copy of full legal description provided by the REGISTER OF DEEDS OFFICE)

Nature of Project: Window replacement, HVAC upgrades, interior acoustical ceilings and lights

(Attach detailed written description of proposed project, along with plans, renderings, photos, and any other necessary supporting documentation to fully describe scope of work)

Historical or Architectural significance:

- National Register
- Kansas Register
- Leavenworth Landmarks Register
- Historic District

Name of District: ~~North Broadway Historic District~~  
3rd Avenue Historic District

<b>For Office Use:</b>		Project No. <u>2023-05</u> LPC
Required Review		Fee (non-refundable) \$200.00
<input type="checkbox"/>	Minor State Law Review	Fee Paid/Received By: <u>waived</u>
<input checked="" type="checkbox"/>	Major State Law Review	
<input type="checkbox"/>	Minor Certificate of Appropriateness	
<input type="checkbox"/>	Major Certificate of Appropriateness	
Date of LPC Hearing: <u>3/1/2023</u>		
Date of Notice of Public Hearing published <u>2/3/2023</u>		
Date Notice sent to property owners within historic district, as appropriate: <u>2/3/2023</u>		
Date of request for appeal to City Commission, if appropriate: _____		
Date scheduled for City Commission review and action, if appropriate: _____		
Final Action:		
Deny as proposed <input type="checkbox"/> Approve as proposed <input type="checkbox"/> Approve with modifications <input type="checkbox"/>		
Reviewed by: _____		Date: _____

**NOTE:** All signatures must be in ink. Signature of owner(s) must be secured and notarized.

Dated this 9<sup>th</sup> day of January, 2023.

Matt Dedcke  
Property Owner (Print Name)

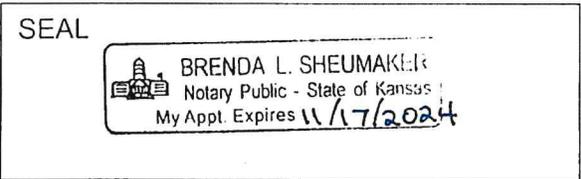
  
\_\_\_\_\_  
Property Owner (Signature)

State of Kansas )

County of Leavenworth )

Signed or attested before me on January 9, 2023 by Matt Dedcke

Notary Public Brenda L Sheumaker My appointment expires 11/17/2024



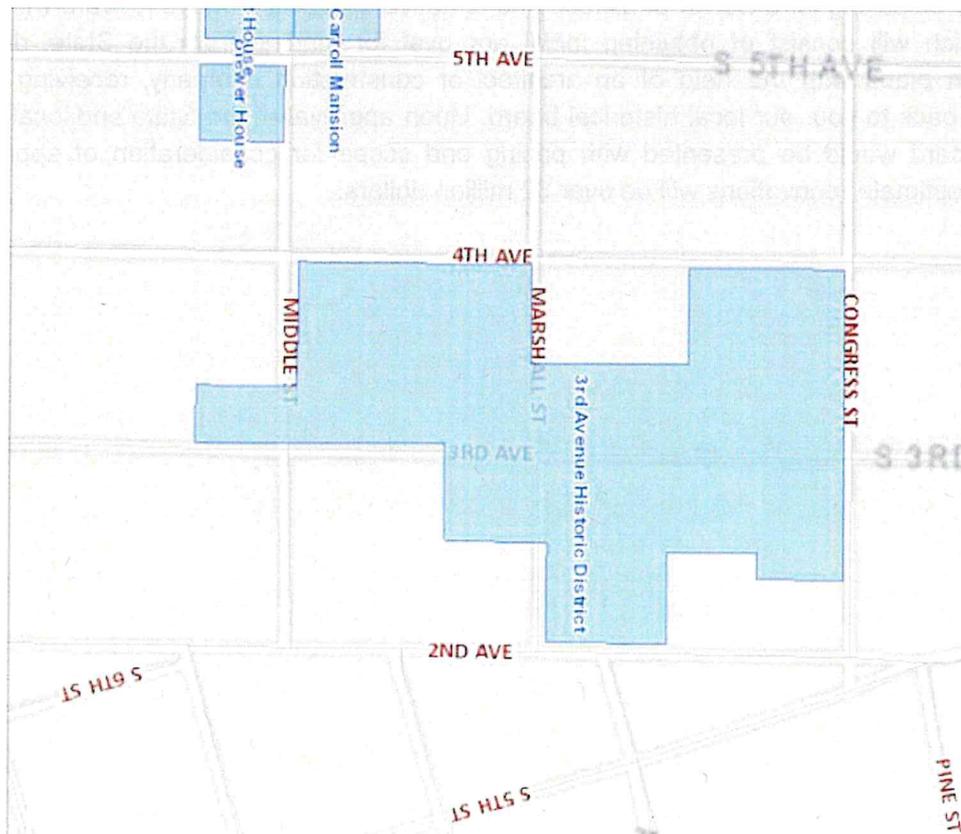
Nettie Hartnett School, USD 453

1000 Third Avenue

1923, 1990

This two-story Tudor Revival-style brick school building has a rectangular form and a flat roof behind a parapet. The projecting two-story entry bay in the center of the front (east) façade has a Tudor-arched opening. Extending across the rear (west) elevation is a two-story 1990s addition with a brick veneer that is designed to harmonize with the original Tudor styling. On the south side of the school is a playground that replaces two historic dwellings demolished in the 1990s.

An 1869 aerial perspective appears to show a school here. The original school was built in 1862, improved in 1865, remodeled in 1897, and razed in 1923. The relatively plain two-story brick building featured a belfry with rounded openings. This present building is thought to be the oldest continuous school in the district. It was known in the early 20th Century as the Congress Street School. The present building was renamed after long-time school employee, Nettie Hartnett in the 1960s. Myron K. Feth of the Leavenworth architectural firm Feth & Feth contributed to the design of the building and the school on the next block.



## Summary of work:

Anticipated improvements to 1000 3rd ave include new exterior windows on the front and two sides with a potential change to back gym windows if an option exists that meets historic requirements and district needs for obscured visual and security into the gym. The replacement of 158 individual windows would serve to provide energy conservation as well as a more comfortable learning environment.

Interior improvements would include HVAC system upgrades to consist of a Variable Refrigerant Flow (VRF) system which would allow each classroom independent control of heating and cooling. Currently, the school utilizes a 100-year-old pneumatic system and a centralized steam boiler for heat. Cooling is provided by a number of window units in each classroom.

The last potential improvement would be interior ceilings in classrooms with an option to include hallways. A new acoustical drop ceiling would be installed at a height of approximately 9' to help hide and support the new HVAC cassette units that would be in each classroom. The current height of these classrooms is approximately 12'. A lower ceiling will help conserve energy for heating and cooling while providing support for the new HVAC system. In addition, new LED lighting will be installed anywhere an acoustical ceiling is added, this will provide better lighting within the school.

We would be asking for a waiver of all fees and tentative approval to move forward with our next steps which will consist of obtaining initial approval for funding from the State, developing renovation plans with the help of an architect or construction company, receiving bids and reporting back to you, our local historical board. Upon approval at the State and local level, the school board would be presented with pricing and scope for consideration of approval. We currently estimate renovations will be over \$2 million dollars.







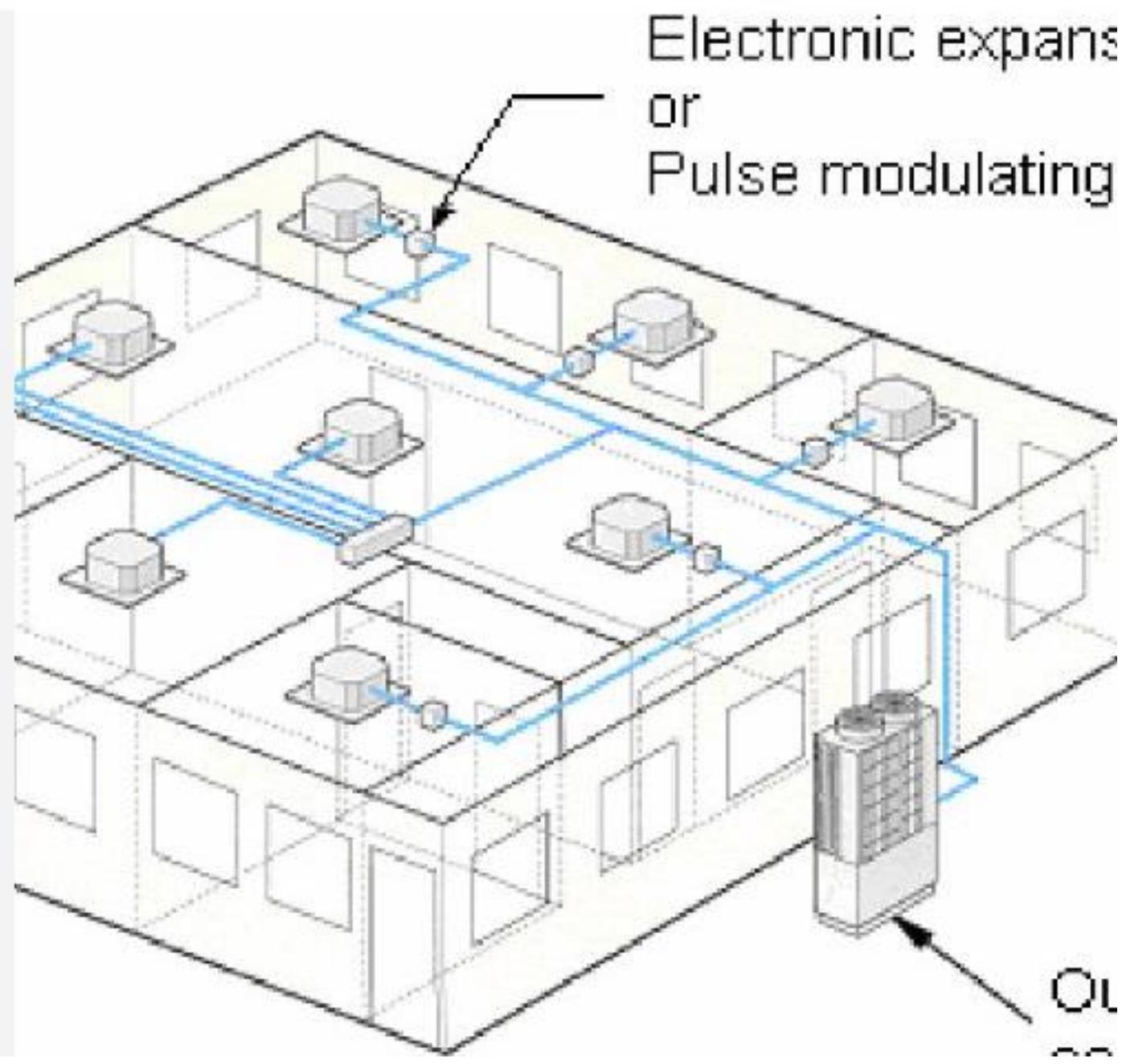


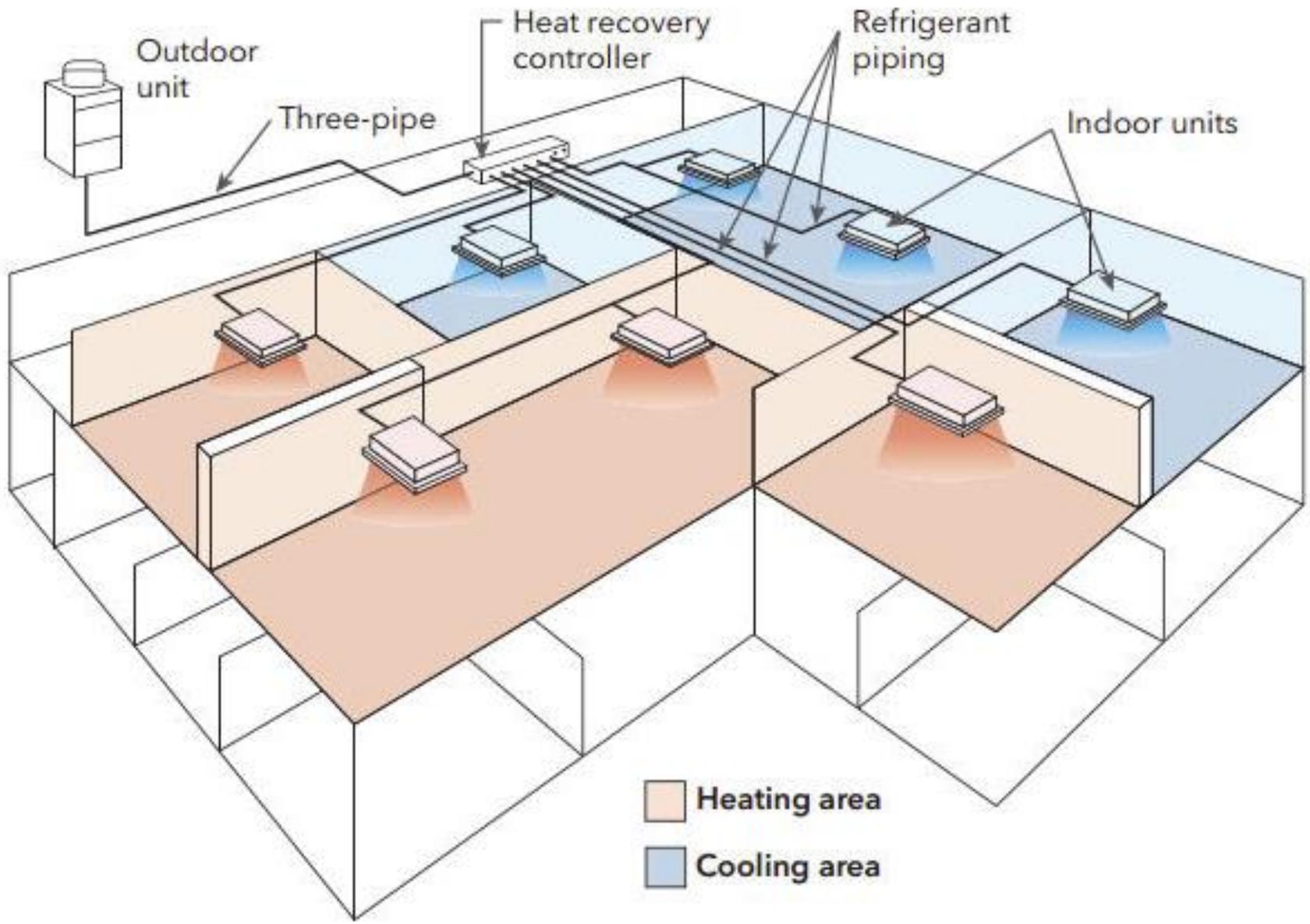




















# 3rd Ave Historic District



0 120 240 480 Feet

Map prepared by LV GIS 12/13/22

