



Monday, June 26, 2023

12:00 PM

Historic Preservation Resource Commission (Certified Local Government)

- I. CALL TO ORDER
- II. MINUTES
 - a. Consider approval of the March 27, 2023 minutes.
- III. ACTION ITEMS
 - a. Consider approval of a sign request for 100 N. Penn Ave or Uncle Jack's.
- IV. DISCUSSION
 - a. Survey of Historic Resources within Downtown Independence
- V. ADJOURNMENT

Monday, March 27, 2023
Historic Preservation Resource Commission
Meeting Minutes

Members Present: Darin Axthelm, Bill Gour, Brea Sanford, Gary Hogsett, Jason Rutledge
City Staff: David Cowan
Ex Officio: Lisa Wilson
Absent: John George, Tim White
Special Guest: Omar Elsabassy

Members went over the February 27, 2023 meeting minutes. Gary Hogsett made a motion to approve the minutes as presented. Bill Gour seconded the motion and all were in favor of accepting the minutes as presented.

Discussion:

The members discussed the approval of the signage for Empire, located at 208 North Pennsylvania Avenue. Owner Omar Elsabassy was present and told members that it would be a single-sided sign with raised lettering, much like the Cantrell's Jewelry sign. A firm out of Parsons claimed that it would take two to three weeks for design, fabrication and installation. Gary Hogsett motioned to accept the design for the signage. Bill Gour seconded the motion and it passed with everyone in favor.

Also approved was the certificate of appropriateness for the new exterior planned for Schenk's Insurance, located at 224 West Main Street. All were in favor.

Brea Sanford motioned to end the meeting. Bill Gour seconded the meeting and the commission adjourned.



**REQUEST FOR HISTORIC PRESERVATION RESOURCE
COMMISSION (CERTIFIED LOCAL GOVERNMENT)
ACTION
CITY OF INDEPENDENCE
JUNE 26, 2023**

Department Admin

Prepared By David Cowan

AGENDA ITEM Consider approval of a sign request for 100 N. Penn Ave or Uncle Jack's.

SUMMARY RECOMMENDATION City Staff is recommending Matt present his ideas to the IHPRC for review and recommendation.

BACKGROUND The new owner of Uncle Jack's business at 100 N. Penn Ave would like to improve the outside appearance and signage at the location. Matt has several ideas for improving the location and is being referred to the IHPRC for your review, discussion, and approval. Once the IHPRC approves the concept, he will still be required to apply for a downtown sign permit to ensure all sign regulations are followed.

SUGGESTED MOTION I move to approve the signage design for Uncle Jack's

SUPPORTING DOCUMENTS

1. Matt Turner Request
2. 2023-06-19 13-52 - Matt Turner
3. Fwd_ Uncle Jack's Sign Request Matt Turner

David Cowan

From: Matt Turner <mattnashllc@gmail.com>
Sent: Thursday, May 25, 2023 9:32 AM
To: April Nutt; David Cowan; Lisa Wilson; indyksmnst@gmail.com
Subject: Signage, Uncle Jack's

Good morning!

We are told we need permission from the Historical Society and the City to put any signage on the outside of Uncle Jack's. Ashley and I think it's fantastic that things like that are regulated to protect the downtown district from looking gaudy.

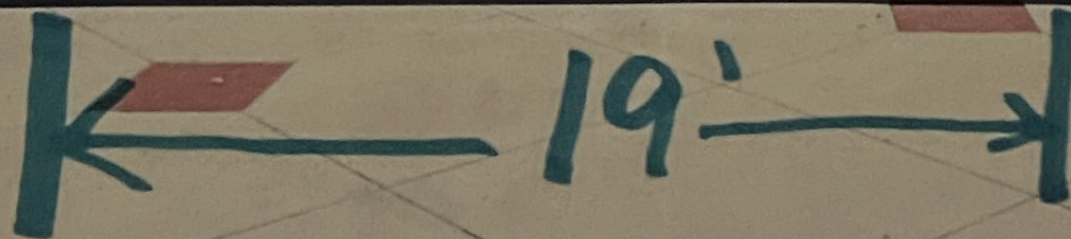
We would like to have a perforated material applied to the exterior windows on the main floor of the building. The perforated material will be tall enough to cover up the wooden booths that make the place look boarded up. They will be designed by the Budweiser distributor and will feature black and white pictures of Independence as well as old scenes; the name, "Uncle Jack's Bar & Grill;" the hours of the business; and, because it's designed by Budweiser, will have their logo. The perforated material will lay flat against the window and we intend for it to look classy and enhance the appearance and appeal of the building while paying homage to the history of downtown Independence.

We feel a new look is important to the success of the business and signage on the main floor windows as well as future plans for signage on the glass portion of the 2nd floor windows is vital.

We can request a proof of the signage prior to it being applied and provide you the proof when it's given to us. What are the steps we need to take to gain approval from all involved?

Thank You in advance for all your assistance and support!

Matt & Ashley Turner
mattnashllc@gmail.com
620-779-3891 (Ashley)
620-331-9126 (Matt)



THE GLASS IS 88" TALL
THE CONCRETE FACIA IS 24" TALL

Coroplast Material To Cover Windows "Uncle Jack's" Logo



WEST FACE IS 75' X 4' WE WOULD LIKE THE LETTERS TO BE AS LARGE AS POSSIBLE.
SOUTH FACE IS 50' X 4'

From: [Matt Turner](#)
To: [David Cowan](#)
Subject: Fwd: Uncle Jack's Sign Request
Date: Monday, June 19, 2023 2:29:58 PM
Attachments: [2023-06-19 13-52.pdf](#)

David, I'm including pics showing our signage needs.

Years ago, the area above the awning had the Uncle Jack's logo. We want to do something similar. One of our beer suppliers will make a sign of perforated material. We will scrape the yucky peeling paint off the existing glass above the awning and apply the perforated material with the Uncle Jack's logo. This type of signage will improve the appearance of the building. We like the idea of a black background with gold letters. In addition, the windows along Penn Ave., north of the main entrance allow people to see into the kitchen. Our kitchen is clean but we would rather allow people to peer into our dining room! One window is badly cracked. We can place a coraplast material on the inside of the windows. However, if we use coraplast on the exterior, it will cover the cracked glass. Ideally, we would replace the cracked glass but the most recent estimate is over \$3000. It's not in the budget!

Any input is appreciated.

Thank You.

Matt and Ashley Turner

----- Forwarded message -----

From: **Matt Turner** <mattmtturner@gmail.com>
Date: Mon, Jun 19, 2023 at 1:54 PM
Subject: Uncle Jack's Sign Request
To: <mattnashllc@gmail.com>

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Sent with Genius Scan for iOS.
<https://dl.tglapp.com/genius-scan>

Matt Turner



**REQUEST FOR HISTORIC PRESERVATION RESOURCE
COMMISSION (CERTIFIED LOCAL GOVERNMENT)
ACTION
CITY OF INDEPENDENCE
JUNE 26, 2023**

Department Admin

Prepared By David Cowan

AGENDA ITEM Survey of Historic Resources within Downtown Independence

SUMMARY RECOMMENDATION City Staff needs committee input on a new downtown historic survey

BACKGROUND The IHPRC committee has discussed for the last several years that a new survey is probably needed for the downtown historic district. The Chair asked City Staff to place it on the agenda for discussion and to visit with SHPO about a new survey. City Staff has attached several correspondences between staff and Katrina Ringler regarding a new survey and an application Newton recently submitted to fund a survey for the City of Newton. Katrina also asked a question that I am trying to find out. Is the downtown National Register historic district also a locally designated historic landmark district?

SUGGESTED MOTION City Staff is needing direction at the end of the discussion regarding placing this as an action item on a future agenda.

SUPPORTING DOCUMENTS

1. Katrina Ringler - Response
2. -2Katrina Ringler - Response
3. 5-Newton_application
4. Code of Ordinances

From: Ringler, Katrina [KSHS]
To: David Cowan
Cc: Kelly Zissmer
Subject: RE: City of Independence Kansas
Date: Monday, May 22, 2023 7:55:41 AM
Attachments: cws000111000
S:Newton_application.pdf

David,

Certainly! In fact the City of Newton is pursuing this process with the help of a Historic Preservation Fund grant this coming year. Attached is their application if that helps.

If you do decide to hire a preservation consultant, let me know. I can help with funding assistance because Independence is a CLG. All I would need is a scope of work and a budget.

Is the downtown National Register historic district also a locally designated historic landmark district?

Thank you!

Katrina

785-272-8681 x215
katrina.ringler@ks.gov

From: David Cowan <davidc@independenccks.gov>
Sent: Sunday, May 21, 2023 6:35 AM
To: Ringler, Katrina [KSHS] <Katrina.Ringler@ks.gov>
Cc: Kelly Passauer <kelp@independenccks.gov>
Subject: City of Independence Kansas

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Katrina,

The local IHPRC has been talking about reviewing the noncontributor buildings in our downtown historic district for consideration of "contributor status". The chair emailed me and asked me to contact you for some direction on how they should proceed with this process. Looking at your website and remembering this discussion when Sean Clapp was Chair, he suggested we hire a company that does this type of work and could do the necessary research.

The Chair would like me to present some information at our June 26, 2023 meeting for their consideration.

Thanks,
David Cowan

Noncontributor	3	POTTS FUNERAL HOME	118-124 S PENN	POTTS FUNERAL HOME	LEGACY FUNERAL HOLDINGS OF KANSAS, LLC	3103 SACKETT ST	HOUSTON	TX	77098
Noncontributor	8	COMMERCIAL BUILDING	117-119 S 8TH	B & Z ENTERPRISES, LLC	B & Z ENTERPRISES, LLC	1921 N PENN	INDEPENDENCE	KS	67301
Noncontributor	16	COMMERCIAL BUILDING/CREDIT UNION	121-123 E MAIN	GREAT PLAINS CREDIT UNION	GREAT PLAINS FEDERAL CREDIT UNION	123 E MAIN	INDEPENDENCE	KS	67301
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Noncontributor	20	SECURITY ABSTRACT CO	113 E MAIN		HOGSETT, GARY D & ANNE D	PO BOX 371	INDEPENDENCE	KS	67301
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					MAKO INC ATTN: DR BARRY E WESSELOWSKI				
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			(313 N PENN)	MY TOWN MEDIA, INC.					
Noncontributor	100	HOTEL DE HOSS	119-121 W LAUREL (121 CTY 123 CNTY)	GUNLOCH ENT DBA INDEP CINEMA	GUNLOCH ENTERPRISES LLC	PO BOX 473	INDEPENDENCE	KS	67301

David J. Cowan
Assistant City Manager-Director of Safety
davidc@independenccks.gov
P +1.620.332.2528 | M +1.620.330.0056 | F + 1.620.331.1628
City of Independence | 811 W. Laurel Street | Independence, Kansas 67301
www.independenccks.gov



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From: Ringler, Katrina [KSHS]
To: David Cowan
Cc: Kelly Zimmerman
Subject: RE: City of Independence Kansas
Date: Wednesday, May 24, 2023 10:21:22 AM
Attachments: image001.png
C:\Users\K.Ringler\Downloads\Chadler-50.pdf

Hi David,

A locally designated district would not necessarily show up on the National Register nomination unless it was in place before the NR nomination was written. It would have been something that was done locally under the process outlined in your local preservation ordinance (looks like Article V of the attached Chapter 50). The reason I was asking about the local listing is that I do recommend updating any local historic district documentation at the same time as the National Register listing so they are consistent. Locally designating historic properties is encouraged because National Register listing (and/or state register listing) currently has the protective power of state preservation law reviews. If that state law ever gets repealed, the only protection for your historic properties will be the design review provisions in your local ordinance. That local design review is for locally designated properties only.

Let me know if you'd like to talk more about local listing and/or funding to do a resurvey.

Thanks,

Katrina

785-272-8681 x215
katrina.ringler@ks.gov

From: David Cowan <davidc@independencesks.gov>
Sent: Tuesday, May 23, 2023 5:05 AM
To: Ringler, Katrina [KSHS] <Katrina.Ringler@ks.gov>
Cc: Kelly Passauer <kellyp@independencesks.gov>
Subject: RE: City of Independence Kansas

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Katrina,

I do not believe the downtown district has been designated a historic landmark. I did not see anything on the original application or checked marked (below) but I could be looking in the wrong place?

David

Bibliography
(Cite the books, articles, and other sources used in preparing this form on one or more continuation sheets.)

Previous documentation on file (NPS): Primary location of additional data:

☐ preliminary determination of individual listing (36 CFR 67) has been requested

☒ Previously listed in the National Register

☐ previously determined eligible by the National Register

☐ designated a National Historic Landmark

☐ recorded by Historic American Buildings Survey

☐ recorded by Historic American Engineering

Record # _____

☒ State Historic Preservation Office

☐ Other State agency

☐ Federal agency

☐ Local government

☒ University

☒ Other

Name of repository:
Independence Main Street Survey, Independence Library, ICC

David J. Cowan
Assistant City Manager - Director of Safety
davidc@independencesks.gov
P +1.620.332.2528 | M+1.620.330.0056 | F +1.620.331.1628
City of Independence | 811 West Laurel Street | Independence, Kansas 67301



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Form Name:	2023 Historic Preservation Fund grant
Submission Time:	April 14, 2023 8:10 am
Browser:	Chrome 112.0.0.0 / Windows
IP Address:	68.102.5.178
Unique ID:	1090974914
Location:	37.705, -97.2243

2023 Historic Preservation Fund Grant

Project Title	Survey of Historic Resources within Downtown Newton
---------------	---

1. Applicant Information

Applicant Name	City of Newton
Applicant's Mailing Address	201 E. 6th Newton, KS 67114
Applicant's Email	rlikiardopoulos@newtonkansas.com
Applicant's Phone	(316) 284-6001

2. Project Contact Person Information

Project Contact Name	Rebecca Likiardopoulos
Project Contact's Mailing Address	201 E. 6th Newton, KS 67114
Project Contact's Email	rlikiardopoulos@newtonkansas.com
Project Contact's Phone	(316) 284-6001

Applicant and Project Information

3. Unique Entity Identifier (UEI)	HKMJVKHRL4K8
4. U.S. Congressional District	4
5. Is the applicant a Certified Local Government (CLG)?	Yes, this applicant is a CLG
6. Please indicate an estimated ending date for the project.	May 30, 2024
7. Indicate which type of project you are proposing:	Survey and Inventory

A. PROJECT RATIONALE and OBJECTIVES

The City of Newton has been an active Certified Local Government since 1998 and has completed surveys since that time. The downtown was surveyed initially in 1998 as part of a Reconnaissance Survey that included neighborhoods around the core central business district. Two historic districts were designated in 2003, Newton Main Street Historic District I and Newton Main Street Historic District II. Through a grant in 2011, guidelines for these districts were developed. Since that time the community has applied and been a designated Main Street community and there is once again a growing interest in rehabilitating and revitalizing the downtown. As property owners seek guidance on repair, rehabilitation or nomination into the district, it has become increasingly needed that the entire C-3 district be re-surveyed in depth to take stock and provide current information that would assist property owners and City staff on projects.

Items of note that have been identified through casual research is that the previous work done has left out substantial areas where large communities of color had been. These resources have not been well evaluated and previous work prioritized the physical quality of the historic resource over other important factors. During the process it would be important to capture the full story.

An "intensive" survey as we are needing fits well with the priorities laid out by the Kansas State Historical Preservation Office and we will be planning to utilize all the guidance and recommendations laid out. As many communities we are now more than ever facing a reduction in public funding for such a project. There is not an opportunity for a public/private partnership in this case as the community is leveraging those relationships for quality-of-life initiatives.

Partial funding would not cover the full cost of the project as over 90% of requested funding is for outside assistance.

B. PROJECT DESCRIPTION and PRODUCTS

B. Section 1 - All grants must produce a product or tangible result to qualify for funding. Write a narrative description of the project products. Note the number of products that may result from this project. The answer to this question should explain how the completion of these products will address the issues you have identified in your PROJECT RATIONALE and OBJECTIVES.

Products will include new and intensive updated survey (digitally uploaded to KHRI) of the C-3/Central Business district of the City of Newton along with the following as required by the SHPO. Project Report, Survey Information, Images, Site Plan and meetings with the State Historic Preservation Office to review work.

B. Section 2 - Describe how you will implement the project. Be certain to describe major components or phases of the project and the estimated dates when each will be accomplished.

The HPC will begin the project once grant funding is awarded.
May 2023 Award announcement
June, 2023 Research and development of RFP
July, 2023 Review of guidelines and final RFP with SHPO and City Staff
August, 2023 publish RFP and review proposals
September 2023 Select and award proposal and begin work
December 2023 1st Meeting with contractor and SHPO
January 2024 Present preliminary results to Newton Planning Commission/Historic Preservation Commission
March 2024 2nd meeting with contractor and SHPO
August 30, 2024 Grant closure

B. Section 3 - Explain the geographic boundaries of this project. Where will work take place?

In the C-3 district of Newton, KS. Map is attached.

B. Section 3 (cont.) - Upload map if pertinent to this project.

<https://www.formstack.com/admin/download/file/14481840309>

C. APPLICANT ORGANIZATION and PERSONNEL

C. Section 1 - Briefly describe the applicant organization. Include information concerning organizational structure, personnel, facilities, and past involvement in preservation-related issues or grant-funded activities.

The City of Newton is located in Harvey County and serves as the county seat. Historic Preservation activities and overall education of and promotion of our listed properties and preservation practices is led by the Historic Preservation Officer and the Newton Historic Preservation Commission (HPC). The HPC had been a joint commission formed in 1996 and staffed by the Historic Preservation Planner. The Commission is just now going through a re-structuring where it will be solely for the City of Newton and will be a subset of the City of Newton Planning Commission. Commissioners are appointed by the mayor of the city. The mission of the Commission is to educate the public and local officials about the community's architectural heritage, to recognize and protect significant properties, to acknowledge the efforts of individuals who have successfully restored historic landmarks and to rescue or document significant buildings threatened with demolition. The Historic Preservation Department is staffed by an employee within the City of Newton. The City has been a Certified Local Government since 1998.

C. Section 2 - Describe the role the local historic preservation commission will play in the project (e.g. conducting the project, reviewing drafts, serving on the project team, etc.).

The Historic Preservation Commission will be responsible for reviewing the draft versions of the survey the various components.

C. Section 3 - Describe the project team and their qualifications. If the project is to be staffed by consultants hired from outside the applicant organization, describe the planned hiring process and the qualifications you will be seeking.

a. The Historic Preservation Officer, employed by the City of Newton, facilitates the Historic Preservation department and provides staff support for the HPC. This individual establishes annual goals and objectives in cooperation with the HPC for growth and improvement of the local preservation program and works to ensure these are met.

b. As this will affect Planning and Main Street initiatives, the Board of the Choose Newton Main Street will be involved as necessary, and Planning and Engineering staff will assist in the entire process.

c. Harvey County Historical Society Volunteer Researcher. The volunteer has not been selected as it is not known which volunteer will be available when research begins this summer. This volunteer will assist in the research and liaise with the contracted professional.

Resume 1

<https://www.formstack.com/admin/download/file/14481840313>

C. Section 4 - List the qualifications of any additional resource persons not employed by the applicant organization or on the project team who might provide information or guidance for the project activities and development.

Currently our plan would be to simply work with the SHPO staff to create the survey as specified. We have not as of yet identified additional resources.

C. Section 5 - Has the applicant previously received an HPF grant from the Kansas SHPO? If so, describe the grant(s), including the project year and products produced.

2022	NAPC Forum
2021	Children's Historic Library Curriculum
2020	Disaster Planning
2020	Children's Walking Tour Coloring Book
2018 NAPC Forum Attendance grant	
2017	Preservation Alliance Conference
2016 NAPC Forum Grant	
2016 Driving Tour Grant	
2014 Preservation planner attended the NAPC Forum 2014	
2012/2013 Development of Design Guidelines for the McKinley Residential Historic District	
2012 HPC member attended the NAPC Forum	
2010/2011 Review and revision of the Downtown Historic Districts I and II Design Guidelines	
2009/2010 Hosted the 2010 State Historic Preservation Conference	
2006/2007 Nomination of the McKinley Residential Historic District to the National Register of Historic Places and the Register of Historic Kansas Places	
2002 Nomination of the Downtown Historic Districts I and II to the National Register of Historic Places and the Register of Historic Kansas Places	

C. Section 6 - Has the applicant sought out any other funding sources for this project? If so, describe the funding source, whether you have already applied for it, and whether you were successful in receiving that funding.

Other funding has not been sought. In our current financial environment, each grant is being carefully selected for fit and match requirements as our community's funding ability continues to diminish.

C. Section 7 - Upload written documentation from the applicant organization authorizing submission of this application and expressing support for this project.

<https://www.formstack.com/admin/download/file/14481840317>

D. PUBLIC EDUCATION and IMPACT

Section D - Narrative

A thorough survey of the full C-3/ Downtown Commercial district will involve the current building owners and business owners. There is currently a renewed interest in our Historic assets and press releases to the local newspapers announcing the project as well as regular updates with the Choose Newton Main Street and various partners would assist in public awareness.

One our inventory is updated we would expect to see greater public usage of the Kansas Historic Resource Inventory. Currently many of our survey records from 1998 are not well entered into the digital system, making it difficult for the everyday user to find.

A completed intensive survey with all of the items stated before approved by the State Historic Preservation Office would be measured as a success.

E. PROJECT BUDGET

E. Budget Narrative

1. Salaries

- Grant Administrator will be Newton's Director of Administrative Services, Rebecca Likiardopoulos

? Estimated 45 hours at \$60.06(combined salary and benefits) = \$2480

- Harvey County Historical Society volunteer researcher

? 120 hours at \$29.95 per hour= \$3,594

- Planning Commission/ Historical Planning Commission Review

? 14 hours at \$29.95 per hour= \$419

- City Finance staff will facilitate the financial portion of the grant by ensuring the appropriate invoices are paid.

? Estimated at 20 hours at \$24.35 (combined salary and benefits) per hour = \$487

- Consultant to conduct full survey

? Estimated at \$30,000

ACCOUNTING: The accounting system used by the City of Newton follow standard accounting and auditing practices. Annual audits meet the OMB Circular A-133 audit guidelines.

While we expect to assist a consultant as best as possible, we are unable to in our current project plan to offer a full 40% match as the expected cost of the consultant would vastly exceed our staff and volunteer time.

E. Budget Chart

Expense 1 - Type	?Administrator
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Expense 1 amount (\$)	2702
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Expense 1-Funding Category	In-Kind Match
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Expense 2 - Type	Consultant
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Expense 2 amount (\$)	30000
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Expense 2-Funding Category	?Federal Grant
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Expense 3 - Type	Indirect Cost - Maximum 10% of salaries
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Expense 3 amount (\$)	4000
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Expense 3 - Funding Category	In-Kind Match
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Expense 4 - Type	Volunteers
Expense 4 amount (\$)	4013
Expense 4 - Funding Category	In-Kind Match
Expense 5 - Type	Bookkeeping
Expense 5 amount (\$)	487
Expense 5 - Funding Category	?Federal Grant
Total Project Cost (\$)	41202
Grant Request (\$)	30000

F. Assurances and Risk Assessment

Upload Assurances forms as one single PDF <https://www.formstack.com/admin/download/file/14481840337>

Upload Risk Assessment form as one single PDF <https://www.formstack.com/admin/download/file/14481840338>

Chapter 50 - INDEPENDENCE HISTORIC PRESERVATION AND RESOURCE COMMISSION

Footnotes:

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Editor's note— Ordinance No. 3709, § 1, adopted November 3, 1995, repealed articles I through III, chapter 50 in its entirety. Formerly, such chapter pertained to historic preservation and derived from Ord. No. 3540, §§ 1—8, 11-25-87.

ARTICLE I. - IN GENERAL

Sec. 50-1. - Policy.

- (a) The governing body of the City of Independence, Kansas, finds and declares that the present and future economic and general welfare of the people of the city is generally founded on the contributions of the past. Many of these contributions are manifested in districts, sites, buildings, structures, archeology and objects which reflect the richness and diversity of the city's history by their design, association, and integrity.
- (b) The governing body of the City of Independence further finds that many historic properties have been lost through demolition and destructive rehabilitation, notwithstanding the feasibility of preserving and continuing the use of such properties, and without adequate consideration of the irreplaceable loss to the people of the city of the historic, cultural, and architectural values represented by such sites, buildings, structures and objects. It is the sense of the governing body that economic and general welfare of the city cannot be maintained or enhanced by disregarding the historic, cultural, and architectural heritage of the city.

(Ord. No. 3888, § 1, 10-24-02)

Sec. 50-2. - Purpose.

The purposes of this chapter are:

- (1) To establish and organize the Independence Historic Preservation and Resource Commission, hereafter referred to as the IHPRC;
- (2) To identify, protect and enhance districts, sites, buildings, structures and objects which represent or reflect distinctive and important elements of the city's historic, cultural and architectural heritage;
- (3) To stabilize and improve property values in such locations;
- (4) To encourage the conservation and preservation of neighborhoods having distinct historic, cultural or architectural characteristics;

- (5) To foster civic pride in the beauty and noble accomplishments of the past;
- (6) To protect and enhance the city's attractions for tourists and visitors and provide incidental support and stimulus to business and industry;
- (7) To promote the use of the historic landmarks and historic districts for the culture, economy, education and welfare of the city;
- (8) To make the preservation of historic places an integral part of planning for land use, economic development, housing and transportation;
- (9) To adopt organizational, regulatory and incentive mechanisms to facilitate preservation, and provide the leadership to make them work;
- (10) To develop revitalization strategies that capitalize on the existing assets of historic neighborhoods and commercial areas;
- (11) To ensure that policies and decisions on community growth and development respect the community's heritage and enhance overall livability;
- (12) To provide resources and information to aid and promote historic preservation; and
- (13) To establish an archive at the Independence Public Library, preserving the history of Independence and the surrounding area.

(Ord. No. 3888, § 1, 10-24-02)

Sec. 50-3. - Definitions.

For the purpose of this chapter, certain terms and words are hereby defined. The word "shall" is mandatory and not directory.

Accessory structure: A subordinate structure or portion of the main structure, located on the same property and the use of which is clearly incidental to that of the main structure or to the use of the property on which it is located. Customary accessory structures include, but are not limited to, garages, carports, garden houses, small storage sheds and children's playhouses.

Adjacent structures/parcels: A structure or parcel having a common parcel boundary or located immediately next to a structure or parcel.

Administrator: The designated individual assigned by the city manager to administer, interpret and enforce this chapter.

Adaptive use: The process of changing the use of a structure or property to a use other than that for which the structure or property was originally designed.

Alteration: As applied to a structure, a change or rearrangement in the structural parts of an existing structure. Enlargement, whether by extending a side, increasing the height, or moving from one location or position to another shall be considered an alteration.

Building: A structure, such as a house, barn, church, hotel, courthouse, city hall, social hall, commercial building, library, factory, mill, train depot, theater, school, store or similar construction, created to shelter any form of human activity. The term also may refer to a small group of buildings consisting of a main building and subsidiary buildings which constitute a historically and functionally related unit such as a courthouse and jail, house and

barn, mansion and carriage house, church and rectory, and farmhouse and related outbuildings.

Certificate of appropriateness: A certificate issued by the IHPRC, or on appeal by the city commission, approving plans for alteration, construction, demolition or other matters relating to historic properties.

City: The municipal corporation named the City of Independence, Kansas.

City commission: The Board of City Commissioners of Independence, Kansas.

Contributing: A building, site, structure or object which adds to the architectural qualities, historic association or archeological values of a site or district for which a property is significant because:

- (1) It was present during the pertinent historic time;
- (2) It possesses integrity and reflects significant historic character or is capable of yielding important information about the pertinent historic period; or
- (3) It independently meets the standards and criteria of this chapter.

District: An area that possesses a significant concentration of, relationship between, or continuity of sites, buildings, structures or objects united historically or architecturally by plan or physical development. Districts may include college campuses, the downtown area, residential areas, commercial areas, industrial complexes, civic centers, planned street systems and large related sites, buildings, structures or objects which are geographically separated. In such cases, visual continuity should not be necessary to convey the historic relationship of a group of related resources.

Exterior feature: Elements and components of the outer surface of a structure including, but not limited to, building materials, windows, outside doors, outdoor light fixtures, attached signs, fixtures, carvings, columns, railings, stairs and steps, retaining walls, fences and fence posts, hitching posts, decorations, dormers, chimneys, false fronts, paint colors, surface textures or parapets.

Governing body: The City Commission of Independence, Kansas.

Historic preservation: The study, identification, protection, restoration and rehabilitation of buildings, sites, structures, objects, districts and areas significant to the history, architecture, archeology or culture of the city, state or nation. Preservation may include work to halt the process of decay, normal maintenance and other measures to retain and sustain the nature, form, material and integrity of historically or architecturally important properties, structures or districts.

Historic reconstruction: The reproduction of the exact form and detail of a vanished building, site, structure or a part thereof, as it appeared at a pertinent time using materials based on precise historical documentation and specification, including construction method.

Historic restoration The accurate reconstruction of structural elements matching the original construction method and material in shape, size, texture, including removal of materials that are not appropriate to the structure.

Historic site: The location of a significant event, prehistoric or historic occupation or activity, building or structure, whether standing, ruined or vanished, where the location itself possesses historic, cultural, or archeological value, regardless of the value of any existing structure.

Independence Register of Historic Places: The current Independence Register of Historic Places as prepared, approved and amended by the IHPRC and authorized by this chapter.

Interior features: Elements and components of the inside of a structure including, but not limited to, building materials, inside doors, door and window moldings, wall covering, paint colors, indoor light fixtures, lamps, furniture, draperies, fireplace hearths, stairways, appliances, heating and ventilating equipment, carvings, columns, railings, decorations and surface textures.

Landscape feature: Any element or component of outdoor open space including, but not limited to, fences, walls, retaining walls, gates, sidewalks, walkways, driveways, parking lots, patios, terraces, decks, ground covers, trees, plants, outdoor furniture, exterior light standards, fountains, statuary, detached signs and other such elements.

Noncontributing: A building, site or object that does not add to the architectural qualities, historic association or archeological values of a historic place or district because:

- (1) It was not present during the pertinent historic time;
- (2) Due to alterations, disturbances, additions or other changes, it no longer possesses integrity, reflects its significant historic character or is capable of yielding important information about the pertinent period; or
- (3) It does not independently meet the standards and criteria of this chapter.

Normal maintenance and repair: Any improvement or work for which a building permit is not required by city ordinance.

Object: Those constructions that are primarily artistic in nature or are relatively small in scale and simply constructed. While an object may be movable by nature or design, it should be located in a specific setting or environment appropriate to its significant historic use, role or character. Objects include sculptures, monuments, street signs, fence posts, hitching posts, mileposts, boundary markers, statuary and fountains.

Owner: All owners of record of fee simple title as determined by publicly filed records.

(Ord. No. 3888, § 1, 10-24-02)

ARTICLE II. - INDEPENDENCE HISTORIC PRESERVATION AND RESOURCE COMMISSION

Sec. 50-51. - Membership and appointment.

The Independence Historic Preservation and Resource Commission shall consist of seven members who shall be appointed by the mayor subject to confirmation by a majority vote of the governing body of the city. Members whose terms have expired shall continue to serve until their successors have been appointed. The following qualifications shall apply to appointees to the IHPRC:

- (1) All appointees shall be residents of the city.
- (2) All appointees shall be persons who have demonstrated interest, knowledge or training in fields closely related to historic preservation, such as history, architecture, landscape architecture, architectural history, archeology, planning, real estate, law, finance, building trades, urban design and geography.
- (3) Not less than three appointees shall be composed of persons who are engaged in or retired from preservation-related professions such as archeology, architectural history, conservation, cultural anthropology, curation, engineering, folklore, historic architecture, historic preservation planning, historic preservation and history; provided, however, that upon a demonstration that the required number of positions for preservation-related professionals could not be filled despite a reasonable effort to do so, the governing body may waive this requirement. What constitutes a reasonable effort to fill such positions shall take into consideration the possibility that the absence of certain preservation-related professions on the IHPRC may necessitate the retaining of consultants.

(Ord. No. 3888, § 1, 10-24-02; Ord. No. 4101, § 1, 6-9-11)

Sec. 50-52. - Terms.

The terms of office for the initial members shall be as follows:

One year term Two members

Two year term Two members

Three year term Three members

Thereafter, all terms shall be for a three year period commencing on January 1 and terminating on December 31, three years hence.

(Ord. No. 3888, § 1, 10-24-02)

Sec. 50-53. - Officers.

The IHPRC shall annually elect a chairman and vice-chairman from its members. The administrator shall serve as secretary of the IHPRC. In the absence of the chairman and vice-chairman, the secretary of the IHPRC may convene a meeting of the IHPRC. In such case, the first order of business shall be to elect a temporary chairman who shall conduct the meeting. The chairman and vice-chairman shall serve for a term of one year. The chairman and vice-chairman may succeed themselves.

(Ord. No. 3888, § 1, 10-24-02)

Sec. 50-54. - Rules of procedure.

The IHPRC shall adopt bylaws and/or rules of procedure. The rules of procedure shall specify attendance requirements and cover potential conflicts of interest for members. Minutes of all meetings shall be kept by the administrator and shall be available for public inspection. The administrator shall provide a copy of the approved minutes for each IHPRC meeting to the state historic preservation officer.

(Ord. No. 3888, § 1, 10-24-02)

Sec. 50-55. - Meetings.

The times, dates and locations of IHPRC meetings may be established by the chairman or a majority of the IHPRC members. The IHPRC shall meet at least quarterly. The chairman or, in the absence of the chairman, the vice-chairman, shall approve meeting agendas before the meeting. A simple majority of the IHPRC members shall constitute a quorum of the IHPRC. There must be a quorum present before the IHPRC may take any formal action but the IHPRC may discuss items of business in the absence of a quorum.

(Ord. No. 3888, § 1, 10-24-02)

Sec. 50-56. - Annual report.

The IHPRC shall prepare an annual report of its activities. The report shall be prepared not later than August 1 of each year and shall pertain to the period of July 1 through June 30. The report shall be submitted to the city commissioners and the state historic preservation officer not later than August 1 of each year. The report shall include:

- (1) A report on the number and types of cases reviewed and their disposition;
- (2) A list of new historic designations made during the year;
- (3) A list of new appointments to the IHPRC and the resumes of these new members;
- (4) The attendance records of IHPRC members;
- (5) A list of educational meetings attended by each IHPRC member;
- (6) All minutes of meetings at which state and/or national register nominations were considered; and
- (7) The goals and objections for the coming year.

(Ord. No. 3888, § 1, 10-24-02)

Sec. 50-57. - Ex-officio members.

A representative designated by any of the following organizations may sit on the IHPRC as an ex-officio member:

- (1) Independence Planning and Zoning Commission;
- (2) Independence Main Street;
- (3) Independence Museum; and
- (4) Independence Chamber of Commerce.

Ex-officio members shall not have voting power, but may assist the IHPRC in its various functions.

(Ord. No. 3888, § 1, 10-24-02)

Sec. 50-58. - Committees and subcommittees.

The IHPRC may establish such committees or subcommittees as deemed necessary or convenient to carry out its various functions and duties. Such committees or subcommittees may be made up in part by members of the IHPRC and may meet upon such schedule and for such purposes as established by the IHPRC.

(Ord. No. 3888, § 1, 10-24-02)

Sec. 50-59—50-75. - Reserved.

ARTICLE III. - POWERS AND DUTIES OF THE INDEPENDENCE HISTORIC PRESERVATION AND RESOURCE COMMISSION

Sec. 50-76. - [Powers and duties].

The IHPRC shall have the power and authority to do the following:

- (1) Adopt its own bylaws and procedures related to the conduct of its meetings and implementation of this chapter.
- (2) Conduct an ongoing survey to identify historically and architecturally significant properties, structures and areas that exemplify the cultural, social, economic, political or architectural history of the nation, state or city.
- (3) Identify "historic structures", historic sites" and "historic districts" that are eligible for listing on the Independence Register of Historic Places.
- (4) Make decisions on applications for designation of properties having historic, community or architectural value as "historic structures" or "historic sites", and make recommendations to the city commission on applications for designation of "historic districts."
- (5) Research and recommend to the city commission an appropriate system of markers for designated historic structures, historic sites and historic districts.
- (6) Prepare comments on any nominations to the state register of historic places or the national register of historic places. Such comments shall be subject to the approval of the city commission before being submitted.
- (7) Inform and educate the citizens of Independence concerning the historic and architectural heritage of the city and advise and assist owners of designated historic structures, historic sites or historic districts of physical and financial aspects of preservation, rehabilitation and restoration by publishing appropriate maps, newsletters, brochures and pamphlets, and by holding programs, workshops and seminars.
- (8) Review and act upon applications for certificates of appropriateness.
- (9) Make recommendations to the city commission regarding funding for the purpose of carrying out the duties and powers of the IHPRC and the purposes of this chapter.
- (10) Make recommendations to the city commission regarding the hiring of such specialists or consultants, or recommend appointing such citizen advisory committees, as may be required from time to time.
- (11) Make comments to other city boards and commissions on any matter affecting historic structures, historic sites and historic districts.
- (12) Periodically make recommendations to the city commission regarding actions the IHPRC deems appropriate for the protection and continued use of historic structures, historic sites and historic districts.

- (13) Participate in a historic preservation-related educational programs.
- (14) Perform duties delegated to it pursuant to any agreement reached between the state historic preservation officer and the city commission.
- (15) Recommend local incentives to encourage historic designation within the city.
- (16) Apply for and receive gifts, grants and bequests subject to the approval of the city commission.
- (17) Undertake any other action or activity necessary or appropriate to the implementation of its powers and duties or to the implementation of the purpose of this chapter.

(Ord. No. 3888, § 1, 10-24-02)

Secs. 50-77—50-95. - Reserved.

ARTICLE IV. - SURVEY AND INVENTORY

Sec. 50-96. - Survey.

The IHPRC shall conduct an ongoing survey to identify structures, sites and districts that have historic, cultural or architectural importance or value to the community. The survey may review and evaluate any prior surveys and studies by a public or private organization and compile appropriate descriptions, facts and photographs and be consistent with the methods and forms provided by the Kansas State Historical Society.

The IHPRC shall evaluate the information compiled through survey efforts and systematically identify properties that are potentially eligible for designation as indicated by survey results.

(Ord. No. 3888, § 1, 10-24-02)

Sec. 50-97. - Inventory.

The IHPRC shall create, and maintain a detailed inventory of properties surveyed and evaluated for potential eligibility for designation. The inventory shall be maintained in a form compatible with the requirements of the Kansas State Historical Society and the Kansas Comprehensive Historic Preservation planning process.

(Ord. No. 3888, § 1, 10-24-02)

Sec. 50-98—50-130. - Reserved.

ARTICLE V. - DESIGNATION OF SIGNIFICANT HISTORIC STRUCTURES, HISTORIC SITES AND HISTORIC DISTRICTS

Sec. 50-131. - Designations.

There is hereby established the Independence Register of Historic Places which shall include all historic structures, historic sites and historic districts designated as significant pursuant to this chapter.

(Ord. No. 3888, § 1, 10-24-02)

Sec. 50-132. - Application for Independence designation.

To obtain historic designation an application shall be filed with the IHPRC as follows:

- (1) Nomination of a historic structure, a historic site or a historic district for placement on the Independence Register of Historic Places shall be made to the IHPRC on an application prepared by the IHPRC and may be made by any person or entity.
- (2) The application shall contain the following information in addition to such other information deemed necessary and advisable by the IHPRC:
 - a. The legal description and address of the pertinent structures and/or properties;
 - b. Name and address of the owner(s);
 - c. The approximate date of the original construction and the date of any major improvement or alteration, if known;
 - d. The names of the architect and builder, if known;
 - e. The names of the original owner or occupant, if known;
 - f. A statement of why the property is historically or architecturally important;
 - g. A list of sources that document the historical significance; and
 - h. Black and white photographs of the structures and/or property(s).
- (3) No application for designation of a historic structure or historic site shall proceed forward unless all owners have consented in writing to the designation. No application for designation of a historic district shall proceed forward unless both 51 percent of the owners of property within the nominated district and the owners of 51 percent of the property within the nominated district have consented in writing to the

designation.

(Ord. No. 3888, § 1, 10-24-02)

Sec. 50-133. - Public hearing procedure.

- (a) *Public hearings.* The IHPRC shall conduct a public hearing on each property nominated for designation at a reasonable time and place established by the IHPRC. The hearing shall be held no later than 60 days following receipt of a completed application. The hearing may be held during a regular meeting of the IHPRC or during a special meeting of the IHPRC called in part for that purpose.
- (b) *Notice of hearing.* At least 20 days in advance of the public hearing, notice shall be published in the official city newspaper. The notice shall state the date, time and place of the hearing and contain the street address and legal description of the nominated property. The IHPRC shall also send by regular first class mail a written notice of the public hearing containing the same information as the published notice to the owners of all properties nominated for designation at least 20 days prior to the hearing.
- (c) *Conduct of hearing.* The hearing shall be conducted by the IHPRC. Any person or entity may attend and participate in the meeting in person, by agent or by attorney subject to reasonable rules of order adopted by the IHPRC.
- (d) The public hearing may be continued from time to time as the IHPRC deems necessary to fully explore all issues relevant to the nomination. Once the notice requirements have been satisfied, the notice procedure need not be repeated as to the continuation of the public hearing on another date. Notice of the date, time and place of such public hearing continuation shall be announced at the time of the initial public hearing.

(Ord. No. 3888, § 1, 10-24-02)

Sec. 50-134. - Findings and criteria for designation.

The IHPRC shall, based upon evidence submitted at the hearing, make a decision as to whether or not a nominated structure or site should be designated historic and shall make a recommendation to the city commission as to whether a nominated district should be designated historic. The IHPRC shall make findings in support of its decision or recommendation for designation that such structure, site or district has sufficient integrity of location, design, materials, workmanship or association to make it worthy of preservation or restoration; and that it possesses significant historical, archeological and/or architectural qualities and thus qualifies for designation pursuant to one or more of the following criteria:

Note— The following shall hereafter be referred to as the "Criteria for Designation".

- (1) Prior designation of historic sites, including, but not limited to, the national register of historic places and the state register of historic places;

- (2) Identification with a person or persons who significantly contributed to the culture and development of the city, county, region, state or nation;
- (3) Identification as the work of an architect, designer or master builder whose individual work has influenced the development of the city, county, region, state or nation;
- (4) Character, interest or value as part of the development, heritage or culture of the city, county, region, state or nation;
- (5) Location of the site as a significant historic event;
- (6) Exemplification of the cultural, economic, social or historical heritage of the community;
- (7) Portrayal of the environment of a group of people in an era of history characterized by distinctive architectural style or sequence of styles;
- (8) Embodiment of distinguishing characteristics of an architectural type or specimen;
- (9) Embodiment of elements of architectural design, detail, materials or craftsmanship which represents a significant architectural innovation;
- (10) Relationship to other distinctive buildings, sites or areas which are eligible for preservation according to a plan based on historic, culture or architectural motif;
- (11) Unique location of singular physical characteristics representing an established and familiar visual feature of a neighborhood, community or the city;
- (12) Archeological value in that it has produced or can be expected to produce data affecting theories of historic or prehistoric interest; and
- (13) Value as an aspect of community sentiment and/or public pride.

(Ord. No. 3888, § 1, 10-24-02)

Sec. 50-135. - Decisions and recommendations of IHPRC.

Within 30 days after the close of the public hearing, if the IHPRC finds that the evidence submitted at the hearings meets the criteria for designation, it shall render a decision that the nominated historic structure or historic site or a recommendation to the city commission that the nominated historic district meets the criteria for designation as a historic structure, historic site or historic district. The decision or recommendation shall be accompanied by the following information:

- (1) Explanation of the integrity of the nominated historic structure, historic site or historic district as it relates to the criteria for designation.
- (2) Explanation of the significance of the nominated historic structure, historic site or historic district as it relates to the criteria for designation.
- (3) The IHPRC shall also set forth the following:
 - a. The significant architectural features of the nominated historic structure, historic site or historic district that should be protected;

- b. The types of construction, alteration, demolition and removal that should be reviewed for appropriateness;
- c. Proposed design guidelines for applying the criteria for designation to certificates of appropriateness for the nominated historic structure, historic site or historic district;
- d. The relationship of the nominated historic structure, historic site or historic district to the ongoing effort of the IHPRC to identify and designate historic structures, historic sites and historic districts that meet the criteria for designation;
- e. Recommendations as to appropriate height and area regulations, setbacks, minimum dwelling size, floor area, sign regulations and parking regulations necessary or appropriate to the preservation of the nominated historic structure, historic site or historic district; and
- f. A map showing the location of the nominated historic structure or historic site and the boundaries of the nominated historic district.

(Ord. No. 3888, § 1, 10-24-02)

Sec. 50-136. - Consideration of nominations for historic districts by the city commission.

The city commission shall, after receiving the recommendation from the IHPRC, either designate historic district or reject the recommendation. If the city commission rejects the recommendation, it shall provide to the IHPRC with reasons for rejection of the nomination.

(Ord. No. 3888, § 1, 10-24-02)

Sec. 50-137. - The designation ordinance.

Once a structure or site has been designated historic by the IHPRC or a district has been designated by the city commission, the designation shall be made effective by adoption of a designation ordinance by the city commission. The designation ordinance shall set forth the design guidelines for applying the criteria for designation, significant architectural features, the types appropriateness, height and area regulations, setbacks, minimum dwelling size, sign regulation and parking regulation in order to establish a baseline for future consideration of an application for certificate of appropriateness with regard to the property. The city clerk shall provide a copy of the designation ordinance by regular mail to the owner(s) of the historic structure, historic site or historic district. The failure of the city clerk to provide a copy of the designation ordinance to the owner(s) of record does not nullify the designation ordinance.

(Ord. No. 3888, § 1, 10-24-02)

Sec. 50-138. - Interim control.

No building permit shall be issued by the city for alteration, construction, demolition or removal of a nominated historic structure, historic site or property within a historic district from the date a completed application is first presented to the IHPRC until the final disposition of the nomination by the city commission unless alteration, removal or demolition is authorized by formal resolution of the city commission. Notwithstanding the foregoing, any application for a building permit that complies with all other applicable ordinances shall not be denied if more than 180 days have passed since a completed application is presented to the IHPRC.

(Ord. No. 3888, § 1, 10-24-02)

Sec. 50-139. - Denial of designation.

A determination by the IHPRC that the nominated structure, site or district does not meet the criteria for designation shall be a final administrative decision. Rejection of a recommendation for designation of a district by the city commission shall be a final administrative decision. Nominations for structure, sites and districts which have been denied designation within the prior 12-month period will not be considered by the IHPRC.

(Ord. No. 3888, § 1, 10-24-02)

Sec. 50-140. - Amendment and re[s]cission of designation.

A designation may be amended or rescinded upon petition to the IHPRC and compliance with the same procedure and according to the same criteria set forth herein for designation. The fact that the applicant or subsequent owner(s) no longer desire to have the property designated historic does not create a mandatory obligation upon the IHPRC to rescind the designation, but such fact shall be considered along with all other criteria.

(Ord. No. 3888, § 1, 10-24-02)

Secs. 50-141—50-164. - Reserved.

ARTICLE VI. - CERTIFICATION OF APPROPRIATENESS

Sec. 50-165. - Certificates of appropriateness.

No person shall undertake the demolition or alteration of any historic structure, historic site or property within a historic district without first obtaining a certificate of appropriateness, provided however, the City of Independence shall be exempt from the requirement of a certificate of appropriateness.

- (1) A certificate of appropriateness shall be required for designated historic structures for the following types of construction, alternation or dem
 - a. Demolition requiring a permit;
 - b. Alterations of exterior features/materials identified as significant in the ordinance designating the historic structure;
 - c. Construction of new structures;
 - d. Alterations of the building site; and
 - e. Alterations of spaces, features and finishes within designated interiors.
- (2) A certificate of appropriateness shall be required for designated historic sites for the following types of construction, alteration or demolition:
 - a. Demolition requiring a permit;
 - b. Alterations of features/materials identified as significant in the ordinance designating the historic site;
 - c. Construction of additions; and
 - d. Construction of new structures.
- (3) A certificate of appropriateness shall be required for properties within designated historic districts for the following types of construction, alteration or demolition:
 - a. Demolition requiring a permit;
 - b. Alterations of features/materials identified as significant in the ordinance designating the historic district; and
 - c. Construction of new structures.

Nothing in this article shall be construed to prevent the ordinary maintenance or repair of a structure or site.

(Ord. No. 3888, § 1, 10-24-02)

Sec. 50-166. - Applications for certificates of appropriateness.

Application for a certificate of appropriateness shall be made on a form approved by the IHPRC.

(Ord. No. 3888, § 1, 10-24-02)

Sec. 50-167. - Consideration and approval of certificates of appropriateness.

The IHPRC shall review the application for a certificate of appropriateness and determine whether issuance of a certificate of appropriateness should be approved or denied within 45 days of receipt of the application. If the application for a certificate of appropriateness complies with the designation ordinance and the criteria for designation, the IHPRC must approve the certificate of appropriateness. The IHPRC may also approve the issuance of a certificate of appropriateness if the applicant agrees to meet specific conditions with regard to modifications to the proposed project so that it complies with the designation ordinance and the criteria for designation. Written notice of the approval of the application for a certificate of appropriateness, with conditions if applicable, shall be provided to the applicant within seven working days following the determination and shall be accompanied by a certificate of appropriateness.

(Ord. No. 3888, § 1, 10-24-02)

Sec. 50-168. - Denial of a certificate of appropriateness.

If the application for a certificate of appropriateness does not comply with the designation ordinance or the criteria for designation and the applicant does not agree to meet specific conditions with regard to modification to the proposed project so that it complies with the designation ordinance and the criteria for designation, the IHPRC must not approve the certificate of appropriateness. A denial of a certificate of appropriateness shall be accompanied by a statement of the reasons for the denial. The IHPRC shall make recommendations to the applicant concerning changes, if any, in the proposed action that would cause the IHPRC to reconsider its denial and shall confer with the applicant and attempt to resolve as quickly as possible the differences between the applicant and the IHPRC. The applicant may resubmit an amended application that takes into consideration the recommendations of the IHPRC.

(Ord. No. 3888, § 1, 10-24-02)

Sec. 50-169. - Criteria to determine appropriateness.

The IHPRC shall adopt principles and guidelines establishing criteria for new construction, alterations, additions, moving and demolition of structures, sites, objects or properties in a historic district. Criteria includes, but is not limited to:

- (1) Specific design criteria for exterior alterations of historic properties or historic districts shall be based on the U.S. Secretary of the Interior's Standards for Rehabilitation as published in Section 36, Code of Federal Regulations, Part 67 as revised from time to time, and by further reference to such specific design criteria as the IHPRC may require.
- (2) New construction and additions to existing structures shall be sensitive to and take into account the special historic district or historic characteristics including height, scale, orientation, site coverage, spatial separations, facade and window patterns, entrance and porch size

and general design, materials, texture, color, architectural detail, roof forms, vertical or horizontal elements, wall, fences, landscaping and other features.

- (3) An application for certificate of appropriateness for purposes of demolition shall be delayed for a period not to exceed 180 days. The maximum period of delay may be reduced whenever the IHPRC determines the owner will suffer extreme hardship or will be deprived of all beneficial use of the property by virtue of the delay. In either instance, the IHPRC shall use the delay to negotiate with the owner and interested parties to find a means to preserve the historic property.
- (4) For those structures or property(ies) that have been designated as a historic structure, or structures located in a historical district, which are being considered for condemnation as a dangerous and unsafe structure under K.S.A. 12-1750 et. seq., or a similar city ordinance, the IHPRC shall be considered an interested party and the city shall be required to give the IHPRC the same notice required to be given to the owner of the property. The IHPRC shall prepare a recommendation of whether the structure should be condemned as dangerous and unsafe and what alternatives are available for repair of the structure. The report shall be submitted at the date and time specified by the city commission for a public hearing.
- (5) Existing characteristics shall include trees, walls, paving materials, fencing, walkways and other site features that reflect the historic property(ies) significance or protected from demolition or alteration.
- (6) Landscaping shall be appropriate to the scale and feature of the historic property.
- (7) Accessory structures shall be appropriate to and compatible with the architectural features of the primary structure. Noncontributory structures shall not distract from the historic property(ies).
- (8) Archeological sites will be protected and preserved.
- (9) New additions, exterior alterations, or related new construction shall not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and shall be compatible with the historic materials, features, size, scale and proportion and massing to protect the integrity of the property and its environment.
- (10) A property shall 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.

(Ord. No. 3888, § 1, 10-24-02)

Sec. 50-170. - Application.

A copy of every application for a building or demolition permit received by the city, including any accompanying plans and specifications affecting the exterior architectural appearance of a designated historic property or structure in a historic district shall be forwarded by the building official to the administrator who shall initiate an application for a certificate of appropriateness. The city's building inspector shall not issue a building or demolition permit until a certificate of appropriateness has been issued by the IHPRC, unless the structure has been determined to be unsafe and dangerous pursuant to K.S.A. 12-1750, et. seq., or a similar city ordinance.

(Ord. No. 3888, § 1, 10-24-02)

Sec. 50-171. - Appeal.

The applicant for a certificate of appropriateness may appeal the denial of the certificate of appropriateness to the city commission by filing a notice of appeal with the city clerk within 30 days of the date the IHPRC denies the certificate of appropriateness. The city commission shall conduct a hearing within 30 days. The city commission shall base its decision on the same guidelines as set forth in section 50-167 above and shall either approve or deny the certificate of appropriateness in the same manner specified in sections 50-167 and 50-168 above.

(Ord. No. 3888, § 1, 10-24-02)

Secs. 50-172—50-195. - Reserved.

ARTICLE VII. - ADMINISTRATION

Sec. 50-196. - Preservation fund.

- (a) There is hereby established the Independence Preservation Fund (the "fund"). The fund shall be administered as directed by and according to any limitations and regulations imposed by the city commission and according to state law. The city may apply for, receive and place in the fund any federal, state or private fees, grants, grants-in-aid, gifts or bequests. The city may budget and incorporate city revenues into the fund. Fees and fines imposed according to this chapter shall be placed in the fund.
- (b) The IHPRC may recommend the use of the fund for:
 - (1) The purchase of fee simple title to a historic property or properties;
 - (2) The purchase of preservation easements regarding a historic property or properties;

- (3) The purchase of fee simple title to a historic property or properties with the eventual objective of property resale to a preservation association;
- (4) Payment of installments and any fees according to a contract to purchase fee simple title to a historic property, or a preservation easement;
- (5) Grants and/or loans to owners, developers and organizations for preservation and/or rehabilitation of a historic property or properties;
- (6) Grants and/or loans to organizations for programs and projects designed to achieve one or more of the purposes of this chapter;
- (7) The maintenance of a historic property, properties or the maintenance of preservation easements;
- (8) The costs of conducting and preparing surveys of historically and architecturally important buildings, sites, structures, objects and districts;
- (9) The costs of the preparation and presentation of reports, instructions, brochures, meetings maps, press releases, conferences, and other measures designed to acquaint citizens owners, and developers with the purpose of this chapter, and
- (10) Reasonable administrative, planning, architectural, engineering, financial, real estate, appraisal and/or legal costs associated with the purchase of property, the purchase and enforcement of preservation easements, the sale of property, the negotiation of contracts and the preparation of grant applications and legal actions.

(Ord. No. 3888, § 1, 10-24-02)

Sec. 50-197. - Fees.

- (a) An application fee for designation of a historic property may be established by resolution of the city commission.
- (b) An application fee for a certificate of appropriateness may be established by resolution of the city commission.

(Ord. No. 3888, § 1, 10-24-02)

Sec. 50-198. - Enforcement.

- (a) In the event that an improvement is made to any structure or property or any structure or property is demolished or cleared in violation of the provisions of this chapter, the city commission may institute an appropriate action or proceeding to prevent or abate such unlawful action. The imposition of any penalty hereunder shall not preclude the city from instituting a proper action or proceeding to require compliance with the provisions of this chapter and with administrative orders and determinations made hereunder.
- (b) The administrator shall give written notification of any violation of this chapter to the property owner, lessee, trustee or other legally responsible party. The notification shall describe and explain in clear, precise terms the nature of the violation. The property owner, lessee, trustee or other legally responsible party shall have 30 days to correct the violation or give satisfactory evidence that steps have been taken

that will lead to correcting the violation within a specified time period. The administrator must agree that the stated period of time is fair and reasonable.

- (c) The city may take the necessary steps to correct a violation of this chapter in the event that notification of the violation has been given and the 30 day time period has elapsed. The cost of correcting a violation by the city may be assessed against the owner, lessee, trustee or other legally responsible party of the property and/or as a special assessment against the property on which the pertinent structure is located. The city clerk may cause the same to be extended on the tax rolls of the county against the pertinent lot or parcel of land.
- (d) Any person violating any of the provisions of this chapter shall be guilty of a Class B misdemeanor, punishable by up to a \$1,000.00 fine or six months in jail, or both such fine and imprisonment. Each day during which any such violation is committed, continued or permitted shall constitute a separate offense.
- (f) The city commission may bring action to require the rebuilding or restoration of a building, site, structure or object, or any part thereof, by a person who alters or improves any building, site, structure or object, or any part thereof, in violation of the provisions of this chapter. Such action shall be in addition to and not in lieu of any criminal prosecution and penalty.

(Ord. No. 3888, § 1, 10-24-02)

Sec. 50-199. - Severability.

If any section, sentence or phrase of this chapter or its application in a specific instance is found to be invalid, the remainder of this chapter shall remain in full force and effect.

(Ord. No. 3888, § 1, 10-24-02)