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**MINUTES****HUTCHINSON LANDMARKS COMMISSION**

City of Hutchinson

Thursday, March 11, 2021 – 4:00 p.m.

City Council Chambers

125 E. Avenue B, Hutchinson, Kansas – Via Zoom Meeting

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**1. ROLL CALL**

The meeting was called to order at 4:00 PM.

Members present: Joel Haag (2/2), Jo Higgins (2/2), Shannon Whetzel (2/2), Gale Wall (2/2) and Chelsey Dawson (1/2).

Planning Staff present: Ryan Hvitløk, Director of Planning and Development; Amy Allison, Senior Planner; and Charlene Mosier, Planning Technician. Izzy Rivera, Building Official, was also in attendance.

**2. APPROVAL OF MINUTES**

Haag made a motion to approve the minutes from January 14, 2021, seconded by Higgins, passed unanimously.

**3. WRITTEN REPORTS**

a. Projects Approved Administratively

Project #	Address	Description	Local Landmark	District and Contributing Status
-	-	-	-	-

- b. Projects Approved by the SHPO – None
- c. Projects Approved by the City Council – None
- d. Other Reports – None

**4. NEW BUSINESS**

a. **LM21-000001 – 18 E 1<sup>st</sup> Avenue (Fox Theater) – Request to remodel three bathrooms.**

Whetzel asked Allison for the staff presentation.

Allison said the applicant, Chuck Miller, Hutchinson’s Historic Fox Theater, 18 E 1<sup>st</sup> Avenue, is requesting historic review for the remodel of three bathrooms in the Fox Theater. Allison

presented a Powerpoint showing photos and the plans for the project. Bathroom #1 remodel will include the expansion of the existing floor area, removal of a non-historic sink and the addition of a second toilet and sink. Bathroom #2 remodel will include the addition of two toilets, a sink, and a partition. Bathroom #3 remodel will include the relocation of two non-historic sinks and the addition of one urinal. She reviewed the following standards required for Landmarks Commission approval:

**Analysis of Secretary of the Interior’s Standards for Rehabilitation Required for Landmarks Commission Approval:**

Factor	Analysis	Met   Not Met
<p><b>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.</b></p>	<p>The proposed replacement will not impact the historic use of the property; built as a theater, will remain a theater. The bathrooms had already been modernized when listed and the applicant is not proposing to remove any historically identified features listed in the nomination.</p>	<p><input checked="" type="checkbox"/> Met</p>
<p><b>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.</b></p>	<p>The applicant is proposing to remodel bathroom facilities that are not historic and were largely remodeled in the 1990s. The applicant is proposing to change a wall in the first-floor concessions area, but based on the information received, this wall is not historic so while it would amend the look of the space, it would not change the historic appearance of the space.</p>	<p><input checked="" type="checkbox"/> Met</p>
<p><b>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.</b></p>	<p>The applicant is proposing to amend and add to bathroom remodels that took place in 1990. They will be using compatible materials and finishes that blend with the Fox’s architectural history but that are either temporary in nature (removable) or match materials that were used in the previous bathroom remodels.</p>	<p><input checked="" type="checkbox"/> Met</p>
<p><b>4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.</b></p>	<p>There have been no changes to the structure that have acquired historic significance in their own right that were not included in the original application for nomination.</p>	<p><input checked="" type="checkbox"/> Met</p>
<p><b>5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.</b></p>	<p>The applicant is proposing to use compatible materials to the existing finishes, as well as preserving the remaining historic features still present.</p>	<p><input checked="" type="checkbox"/> Met</p>
<p><b>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.</b></p>	<p>As noted in the nomination form, the bathrooms had been modernized so any historic fixtures are no longer present. The applicant is proposing to install similar/compatible fixtures to those present in the bathroom. The proposed fixtures that will be removed are not historic.</p>	<p><input checked="" type="checkbox"/> Met</p>

<p><b>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.</b></p>	<p>The applicant does not plan to use any cleaning or abrasive treatments as part of the project.</p>	<p><input checked="" type="checkbox"/> Met</p>
<p><b>8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.</b></p>	<p>There are no known significant archeological resources at the project site.</p>	<p><input checked="" type="checkbox"/> Met</p>
<p><b>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.</b></p>	<p>The applicant is not proposing to alter the exterior of the building. All additions in the interior are occurring to area that had been previously modernized and no longer have historic features.</p>	<p><input checked="" type="checkbox"/> Met</p>
<p><b>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.</b></p>	<p>The proposed bathroom remodels will not affect the exterior of the building, the essential form and integrity of the building and the surrounding environment will not be impaired.</p>	<p><input checked="" type="checkbox"/> Met</p>

**Design Review Committee Comments:**

The Landmarks Commission Design Review Committee met on March 3, 2021. No comments were received.

The property is listed in the Local, State and National Register. It is also located in the Downtown North Core District.

Chuck Miller, applicant, said this project will create a better bathroom layout and offer better customer service. The goal is for the project to blend as nicely as possible with nothing historic being removed.

Haag said the partitions that are being added to the restroom stalls will blend nicely with the style and current bathroom colors. There is nothing original in the bathrooms, as what is there now was a remodel completed in the 1990's. The flooring will remain mostly as it is.

The Landmarks Commission members agreed more restrooms are needed and they feel comfortable with the proposed changes.

Staff believes all factors are met.

Motion by Wall, seconded by Higgins, to approve the request to remodel the three bathrooms in the Hutchinson's Historic Fox Theater, 18 East 1<sup>st</sup> Ave, because the project meets the Secretary of the Interior's Standards for Rehabilitation and would not damage or destroy the historic character of the property. The motion passed with the following vote: Yes - Higgins, Wall, Whetzel, Dawson. Haag abstained because he has worked on the project.

## **5. OLD BUSINESS**

### **a. 2021-2023 Preservation Action Plan Update**

Allison presented the updated 2021-2023 Preservation Action Plan with each Action item and updated timeline. This included the goals of education, preserving local historic sites and maintaining up-to-date information and resources for historic property owners.

Motion by Higgins, seconded by Haag to approve the Updated Preservation Action Plan, passed unanimously. The Plan will be forwarded to the City Council for their review and approval.

## **6. OTHER BUSINESS**

### **a. Upcoming: None**

**b.** Chuck Miller said there is a second floor space in the Fox Theater that could be utilized as a multi-use area with a potential restaurant/bar if three windows can be installed that were there at one time. This use would provide a need for a place for patrons to go after a show as there is currently not many options later in the evening for dinner or drinks. This would promote use of the building and provide an economic boost to downtown. He has also spoken to the Manske's about connecting this use to the Wiley Building. These types of upgrades will help promote use and preservation of the building rather than lack of use leading to the building being vacant more often than used and falling into disrepair. He is soliciting any suggestions from the Landmarks Commission on how to accomplish this project. Miller said he has a list of shows scheduled to perform as soon as everything opens up again from Covid.

Allison said based on the criteria, staff would likely not be able to recommend approval and if the Landmarks Commission denied the request, it could be appealed to the City Council. Projects of this type could interfere with future historic tax credits, grants and funding.

c. Open comments from the audience

Higgins said she is concerned about a fire hazard at 701 E Sherman with items stacked on the property and porch. She would also like staff to check 707 E Sherman and 607 E Sherman for unsightly items including untagged vehicles.

**7. ADJOURNMENT**

The meeting adjourned at 5:04 p.m. The next Landmarks Commission meeting is set for April 8, 2021.

Respectfully Submitted,

Charlene Mosier  
Planning Technician

Approved this 8<sup>th</sup> day of April 2021.

Attest:  \_\_\_\_\_

Ryan Hvitlök, AICP, CFM  
Director of Planning & Development