

March 29, 2022



Roger Brown
LK Architecture
345 Riverview Street
Wichita, KS 67203
CC: Tracey DeBruyn

Re: Historic Review of Museum of Art and Light Notice of Decision.

Mr. Brown,

At the March 28, 2022 meeting of the Historic Resources Board (HRB), the project, as described below, was evaluated in accordance with an agreement between the City of Manhattan and the Kansas State Historic Preservation Office (SHPO) granting authority to the HRB to review projects under preservation statute, KSA 75-2724, and make a final determination on their historic compatibility.

Historic Property: 205 S. 4th Street (Sears Building) and parking lot on the north 300 block of Pierre St.

Project Proposal: Construction of a 40,000 square-foot, three-story art museum on the site of the existing parking lot on the north side of Pierre Street between 3rd and 4th Street; Includes an interior remodel of the Sears building at 205 S. 4th Street for use as part of the museum galleries and office space.

The Manhattan Historic Resources Board **failed to find the proposal to meet the Secretary of the Interior's Standards** for Rehabilitation, as reviewed in accordance with K.S.A. 75-2724, based on the following findings: The proposal does not meet Standard #9 of the Secretary of the Interior's Standards for Rehabilitation and will damage or destroy historic property.

This project is **unapproved** for construction. Failure to apply for and obtain the required building, sign, or demolition permit before undertaking a project affecting historic property or a historic district included on the Register of Historic Kansas Places or the National Register of Historic Places is subject to civil penalties per K.S.A. 75-2724 (1)(d).

The proposal may be modified to address the HRB's findings and brought before the Board for another review. Alternatively, determinations by the HRB that a project will damage or destroy historic property **may proceed if appealed** by the applicant to the Manhattan City Commission, for action as provided under subsection (a) of K.S.A. 75-2724.

In those instances where the decision of the Manhattan City Commission is contrary to the findings of the Board, the project shall not proceed until: (1) the Manhattan City Commission has made a determination that there is no feasible and prudent alternative to the proposal and that the project includes all possible planning to minimize harm to such historic property resulting from such use and (2) five days' notice of such determination has been given to the State Historic Preservation Officer as required by K.S.A. 75-2724 (a).

The statute also allows anyone aggrieved by the City Commission's determination to file suit and have the issue decided in the courts.

Please feel welcome to contact City of Manhattan Administration with any questions or requests for an appeal.

Regards,

A handwritten signature in black ink, appearing to read "Ben Chmiel". The signature is fluid and cursive, with the first name "Ben" and last name "Chmiel" clearly distinguishable.

Ben Chmiel, Planner III & Staff Liaison to the Historic Resources Board
City of Manhattan, KS, 1101 Poyntz Ave.
785/587-2438 | chmiel@cityofmhk.com