



City of Lawrence

PLANNING & DEVELOPMENT SERVICES

LAWRENCE HISTORIC RESOURCES COMMISSION

DRAFT ACTION SUMMARY FOR **MARCH 21, 2019**

ITEM NO. 6 ONLY

Commissioners Present: Bailey, Buchanan, Erby, Evans, Foster, Fry, Veatch

Staff Present: Crick, Kobe, Zollner

ITEM NO. 6: DR-18-00503 1040 Massachusetts Street and 1041 and east side 1000 Block New Hampshire Street; Demolition, New Mixed-Use Structures and New Parking Structure; Downtown Design Guidelines Review and Certificate of Appropriateness. The project is located in the Downtown Conservation Overlay District. The property is also located in the environs of the English Lutheran Church (1040 New Hampshire Street), the Douglas County Courthouse (1100 Massachusetts Street), and the Watkins Bank Building (1047 Massachusetts Street), Lawrence Register of Historic Places. Submitted by Matthew S. Gough, Barber Emerson, L.C., on behalf of Allen Press, Inc.; Allen Realty, Inc. property owner of record.

STAFF PRESENTATION

Ms. Zollner presented the item.

APPLICANT PRESENTATION

Mr. Rodney King, Core Spaces, introduced the applicant group.

Mr. Jeff Zelisko, Antunovich Associates, outlined many revisions made to the project based on Historic Resources Commission (HRC) and Architectural Review Committee (ARC) comments, and noted significant changes in size and scale to the mixed-use structure. He compared the height of surrounding buildings and other newer buildings to the structures proposed. In regard to the Special Use Permit request, he noted that the townhomes have been eliminated from the plan and the entry has been moved to the north. He explained that the size of the parking garage has been reduced and the use abutting the English Lutheran Church has changed to row houses.

Mr. Matthew Gough, Barber Emerson Law Firm, explained that since the last HRC meeting, the applicants have met with the ARC twice, the East Lawrence Neighborhood Association (ELNA), and the Board of Directors of Downtown Lawrence, Inc., and have continuously worked on the design of the project. He noted a few minor points of disagreement with staff on the Downtown Design Guidelines, including 6.1, 6.13, 11.4, and 11.6. The applicant feels they have complied with the standards regarding retail/commercial uses and storefronts.

Mr. Gough explained that an entire floor was removed from the mixed-use building, units were removed due to the setback on the alley, and the ground floor townhomes were removed. He noted that while economic considerations cannot be a primary factor, they can be considered,

and that a smaller, shorter, less dense building would render the project infeasible. He asserted that the project is comparable to other buildings in the area and meets the spirit and intent of the guidelines. He then discussed points in a letter he submitted prior to the meeting regarding environs review.

PUBLIC COMMENT

Mr. Dennis Brown, Lawrence Preservation Alliance (LPA), thanked the ARC for their work on the project and thanked the development team for participating in the process. He explained that LPA agrees with the staff finding that the project, if built, would damage the environs of the three significant listed properties and that the buildings are out of scale with other downtown structures. He said that height and mass are also a problem, and pointed out that their atypical tactics such as building out over the alley, or stepping back an upper story to hide it from public view, are acknowledgments that the building program is too big for the proposed site. He noted that the Douglas County Courthouse and Watkins Bank Building were meant to be the dominant structures and should remain that way. He added that the English Lutheran Church is a transitional structure into the residential neighborhood and new development should follow that lead. He explained that LPA recognizes that the downtown block is underutilized, and suggested two or three structures as opposed to one monolithic structure would be more appropriate. He urged the Commission to make the determination that the proposed project does not enhance the viability or livability of the downtown area.

Mr. Andrew Peterson, 923 Rhode Island Street, stated that Lawrence has enjoyed quite a bit of fame and interest due to the historic district that extends from 6th Street to South Park, and this project takes the heart out of that. He distributed photographs comparing the historic view from the courthouse and the current view from the courthouse, noting that in both you can see all the way to the river. He also pointed out that the building on New Hampshire Street that the applicant is using to compare the proposed project were built against the objections of the HRC and the public.

Ms. Cindy Kroll Hauptli, 1530 Barker Avenue, asked why the project is even being considered. She explained that she did not support the newer developments on New Hampshire Street and does not support the proposed project.

Ms. Tai Edwards, 3211 Nottingham Court, stated that no one travels to Downtown Lawrence to see apartment complexes. She also noted the shortfall in parking spaces for the amount of bedrooms proposed, and the effect the parking issue will have on children who typically play in the area. She asked if this specific development is intended to solve the student housing problem in Lawrence, and concluded that any development downtown should be for the benefit of the community.

Ms. Judy Roitman, downtown resident, said the building height is irrelevant because the issue is the mass. She urged the Commission to pay attention to the mass.

Ms. Connie Price, 5121 Congressional Circle, said she doesn't want this to be like Johnson County. She said she loves downtown and would love to see two or three modest structures with subsidized senior housing. She said while she appreciates the revisions the applicant has made, there are other uses to consider (not student housing).

Mr. Ron Schneider stated that he owns two properties at 11th & Rhode Island Street. He said there has been no discussion on parking because there simply isn't enough available, and added that 560 beds equals 560 cars. He complimented the applicant for not seeking incentives, but that is the only positive thing he has heard. He reminded the Commission that downtown is the main attraction in the state of Kansas and the City of Lawrence. The proposed project is too much, too big, and in the wrong place. He agreed with other comments that the mass is the issue, noting a similar structure's mass- not the height- of Allen Fieldhouse dominates the surrounding area. He also challenged the applicant's assessment of the ordinance for environs, and noted that the proposed project is within the environs of at least three historic properties, and the Commission must determine whether the project will encroach upon, damage, or destroy landmarks- and clearly it would.

Ms. Pruitt said she is opposed to the proposed project. She stated she does not support the unaffordability of the luxury apartment concept and has concerns about gentrification. She suggested a focus on sustainable, mixed-use buildings.

Mr. Brian Thomas stated, in reference to the applicant's comment that they meet 93% of the guidelines, that if you follow the law 93% of the time you're still breaking the law. He noted that the other mixed-use developments along New Hampshire Street are not favored by the people who live and work downtown. He mentioned several issues with the project including with the façade, the ground floor townhomes, and the dismissive and lecturing tone of the applicant and other representatives present.

Ms. Ann Tangeman, 16th & Rhode Island Street, said she's lived in Lawrence for many years and loves downtown. She agreed with other public comment and stated that she is opposed to the project. She asked how many buildings the applicant has constructed in the last five to ten years and how many they still own today. She noted many negative online reviews for other properties constructed by the applicant, and encouraged more long term planning for downtown.

Mr. Charles Jones, thanked the Commission and staff for their work. He recalled that, during his time as a County Commissioner, around \$1.5 million was spent on the renovation of the courthouse and structural improvements and renovations to the Watkins Museum. He said he feels those investments will be diminished by the proposed project. He explained that he's currently on the Board of the Watkins Museum, a role that reflects his love and respect for its heritage. He stated he is opposed to the proposed project, and noted his concern with parking and stressed the importance of the environs review.

Ms. Sacey Lambertson, 715 New York Street, said she generally agrees with most of the public comment but her main concern is the parking. She noted she has no objection to the modern design but would prefer the majority of the project to be on New Hampshire Street.

Mr. Nate Clark, 872 Oak Street, said that looking just at the façade, you can tell the proposed project isn't a historically significant building.

Mr. Tom Harper said he's confident that The Hub could fill all the rooms of the proposed project. He stressed that the 11th & Massachusetts Street corner is gold, and that the applicant has been working very hard to pitch their project to the community and will continue to do so. He said the

scale, mass, and number of bedrooms are too much, the parking was purposefully skipped, and the building is ugly. He noted that the community will gain more students downtown and the project will generate money for the city. He explained that he also researched Core Spaces online and found at least eight pages of negative reviews for other properties, and does not feel they will be a good neighbor. He said he is confident that the HRC, Planning Commission, and City Commission deny this request and is proud of other citizens who have spoken or written on the matter.

Mr. Patrick Watkins, Downtown Lawrence Inc. (DLI), explained that residential density is positive for downtown and encouraged commissioners to read the letter DLI submitted prior to the meeting. He suggested that this additional student housing might free up some affordable housing in other areas.

Ms. Suzanne Hampton said the proposed project doesn't fit downtown and doesn't add anything of value, and while she supports greater density downtown this project isn't it.

Ms. Sally Zogry, Executive Director at DLI, read the letter that DLI submitted prior to the meeting, and stressed the importance of downtown density and new opportunities.

Ms. Pat Kehde, co-owner of The Raven bookstore for 21 years, said she understands the need for density and newer retail, but transient students will likely not shop at local downtown retailers, although the bars will see more business. She is opposed to this particular project.

Mr. David Brown, attorney for John Anderson with Ashlar LLC, the company who owns the English Lutheran Church, expressed opposition to the project. He noted concerns with height, mass, scope, and design of the project. He urged the Commission to adopt the staff recommendations.

Ms. KT Walsh, 732 Rhode Island Street, thanked the developers for attending ARC and an ELNA meeting. She stated that the height, massing and scale of the proposed residential units and parking garage diminish the English Lutheran Church that is so culturally meaningful for the city. She acknowledged the need for development in this location and for affordable housing, particularly for seniors, but with a project that compliments the downtown area. She said she is disappointed about the tunnel over the alley which is unprecedented downtown and violates the Downtown Design Guidelines. She also noted concerns with parking, damage to surrounding properties by construction. She suggested that all major development downtown should be delayed until the Downtown Master Plan is complete.

Mr. Kerry Altenbernd said it seems the history hasn't been discussed enough. He explained that the building the applicant plans to demolish on Massachusetts Street has a history- it used to be a Piggly Wiggly- and the Allen Press building was important with the scientific press. He compared the proposed project to HERE (1111 Indiana Street) and described it as the worst proposal for downtown since a mall was suggested along Massachusetts Street in the 1980's. He stated that the project is very close to three historic buildings and anyone who says it is not within their environs is being less than truthful. He also pondered whether the construction of the proposed project would damage the surrounding historic properties and he encouraged the Commission to accept staff's recommendation and deny the project.

The meeting adjourned for a 5 minute break.

COMMISSION DISCUSSION

Commissioner Foster asked if North Rhode Island Historic District is on the other side of the alley.

Ms. Zollner said yes.

Commissioner Bailey thanked the applicant for working with the ARC and making revisions to the project. He noted that the parking situation and the use of the project is not within the Commission's purview. He addressed Mr. Gough and explained he wanted to discuss the environs definition because the Commission has a different interpretation. He noted that in Mr. Gough's letter, he states that the environs review is not something to be considered.

Mr. Gough said that is their interpretation of the code, and if the definition of environs in Chapter 22 has meaning and is used to determine whether this project directly contributes to the historic architectural significance of the property, the applicant does not think it does. He argued that the 250' radius for environs is a limiting factor, not an inclusionary factor.

Commissioner Bailey said Mr. Gough's interpretation overlooks the site that directly contributes to the historic significance of a landmark. He asked if Mr. Gough disagreed that the Commission should not weigh the negative impact of the site on the landmark.

Mr. Gough argued that it's not the alteration of the site, it's the existence of the site as is.

Commissioner Bailey said he did not agree with that interpretation.

Mr. Gough said he appreciated the discussion regarding environs. Commissioner Bailey moved on to the environs language that says "significantly encroaches on or destroys the landmark".

Mr. Gough said he does not think they can determine that the project will physically encroach on or damage the landmarks.

Commissioner Bailey said that when considering property rights, encroaching does not necessarily mean physical intrusion, but whether it invades their rights.

Mr. Gough questioned whether the encroachment is significant.

Commissioner Evans said that while he appreciates Mr. Gough's efforts, he does not feel the Commission should accept legal considerations from him, but from City staff.

Commissioner Buchanan asked if commissioners agree on their own interpretation of environs and are ready to vote on that piece.

Commissioner Veatch asked if she was referring to the Certificate of Appropriateness.

Commissioner Buchanan said yes.

ACTION TAKEN

Motioned by Commissioner Buchanan, seconded by Commissioner Evans, to deny the Certificate of Appropriateness and find that the proposed project will significantly encroach on, damage, or destroy the environs of the listed properties.

Unanimously approved 7-0.

COMMISSION DISCUSSION

Commissioner Bailey highlighted that the proposed project's encroachment on the landmarks, which are exceptionally significant to the community, and the addition of such a massive structure so close to these landmarks where one has not historically existed, is inappropriate.

Commissioner Buchanan added that it's not just physical encroachment or views, but also about a sense of place.

Commissioner Bailey noted that the staff report also mentioned that the views to those landmarks should also not be obstructed.

They moved on to the Downtown Design Guidelines Review.

Commissioner Bailey said that many of the guidelines have been met and reminded the Commission that it is not a checklist.

Commissioner Evans noted that a high percentage of buildings in the area are only one or two stories, so the proposed project is much larger than any other development. He noted the project is too tall and too massive and the building over the alley is inappropriate, all of which is in conflict with the Downtown Design Guidelines. He mentioned the applicant's strategy to hide the top floor still makes it visible from 200 feet away.

Commissioner Foster explained that he's been off the Commission for a few years but was a member when all of the other modern buildings downtown were reviewed by the HRC. He recalled that the two apartment buildings on New Hampshire Street were approved by the HRC and the Marriott was not, but it gained approval from the City Commission. He recalled an attitude that tolerated some taller development on New Hampshire Street but specifically not on Massachusetts Street, and he was concerned about those taller buildings setting precedent. He felt that the literal interpretation of environs and proximity is very applicable and can be considered. He agreed with the staff recommendation to deny the Downtown Design Guidelines review.

Commissioner Veatch concurred. He explained that he supports residential density downtown and some height on Massachusetts Street could be tolerated on the corner, but the mass and scale of the project makes it monolithic and it does not step down at all.

Commissioner Foster agreed that density is needed downtown but stressed there are right ways to accomplish that goal.

Commissioner Buchanan said it's the wrong time, place, and project.

Commissioner Erby agreed, and added that while the project does meet some of the design guidelines it does not meet the most significant guidelines.

Commissioner Bailey agreed and said that is a good point. He noted that the applicant absolutely does not meet guidelines 7.1, 7.2, 7.3, 7.4, 7.5, and added that all surrounding structures are only one or two stories.

Commissioner Veatch said it would be very hard to make a single program monolithic structure look like everything else on Massachusetts Street because Massachusetts Street evolved in an organic way.

Commissioner Fry agreed with the staff report and noted that the height in relation to surrounding buildings is a problem but could be better tolerated if only on the corner.

ACTION TAKEN

Motioned by Commissioner Buchanan, seconded by Commissioner Veatch, to accept the staff recommendation for denial and that the proposed project does not meet the intent of the Downtown Design Guidelines.

Unanimously approved 7-0.

Motioned by Commissioner Foster, seconded by Commissioner Veatch, to accept staff's recommendation regarding the Special Use Permit and to forward comment to the Planning Commission and City Commission.

Unanimously approved 7-0.