



# City of Lawrence

PLANNING & DEVELOPMENT SERVICES

LAWRENCE HISTORIC RESOURCES COMMISSION  
ACTION SUMMARY FOR **NOVEMBER 15, 2018**  
**ITEM NO. 9 – DR-18-00503**

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**Commissioners Present:** Bailey, Buchanan, Erby, Fry, Hernly, Veatch  
**Staff Present:** Dolar, Kobe, Weik, Zollner

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**ITEM NO. 9**      DR-18-00503      1040 Massachusetts Street and 1041 and east side 1000 Block New Hampshire Street; Demolition, New Mixed-Use Structure 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.

Commissioner Veatch asked if the recommendation to deny the Certificate of Appropriateness is focused on the English Lutheran Church and if that is the only property the project encroaches on, damages, or destroys.

Ms. Zollner said that the project as proposed also encroaches on the Watkins Museum and the Douglas County Courthouse due to the height and massing.

Commissioner Evans asked if the Downtown Design Guidelines Review is related to the Certificate of Appropriateness.

Ms. Zollner said they are two different reviews, so one could be approved and not the other.

Commissioner Evans asked if the architectural review is also intended to mitigate the problem with a Certificate of Appropriateness.

Ms. Zollner said that is up to the Commission to decide, noting that the option to work with the Architectural Review Committee (ARC) would be a fine solution.

Commissioner Veatch said the staff report doesn't indicate that's possible, based on the programming.

Commissioner Evans asked why it would go to the ARC if the other review is denied.

Ms. Zollner explained that the reviews are separate. She added that the ARC could work with the applicant to refine the project to meet the Downtown Design Guidelines.

Commissioner Buchanan said its irreconcilable.

Veatch noted that a denial of the Certificate of Appropriateness could be appealed to the City Commission, and in the meantime the project could be refined by the ARC.

### **APPLICANT PRESENTATION**

Mr. Matt Gough, attorney representing Core Spaces, explained that they met with staff on four separate occasions before their application was submitted, and also reached out to neighborhood organizations, neighbors, Downtown Lawrence Inc. and Watkins Museum. He said they received a lot of feedback and all suggestions were taken seriously and some incorporated into their submittal. He added that the applicant is experienced and works hard to meet community expectations. He noted that there are three separate reviews that the Commission must consider and talked about the standards for a Certificate of Appropriateness.

Commissioner Bailey asked for the applicant's interpretation of the definition of "encroach".

Mr. Gough added that it is "significantly encroach", and because the term "encroach" is not defined in the code they apply plain meaning. He continued to address the other reviews and the standards for each. He asked that they forward a recommendation of approval subject to the approval of a Special Use Permit by the Planning Commission.

Mr. Jeff Zelisko, Antunovich Associates, explained design details of the proposed project.

Mr. Chad Matesj, Core Spaces, said they feel the proposed project will be a positive addition to Downtown Lawrence and pull a lot of the vibrancy north of downtown closer to the courthouse and will frame the entry to downtown from the south. He said they agree there are some perceived challenges; specifically, 10 concerns that are outlined in the staff report. He addressed each of staff's concerns.

### **PUBLIC COMMENT**

Mr. Dennis Brown, Lawrence Preservation Alliance (LPA), thanked the applicant for reaching out prior to their application submission. He said their full executive board reviewed this item as a group and stated the following:

"We understand that this is an underutilized corner that has been needing a quality design solution for some time, and we look forward to someday giving our approval to a proposal that we feel really works there, that's needed in our community. We don't feel this proposal is it. We have specific concerns and we have overriding concerns that tell us our historic downtown will be damaged if this proposal is allowed to be built."

Mr. Brown stated that their specific concerns include the non-variable roofline on Massachusetts Street, residential balconies, build-out over the alleys, the subterranean level on New Hampshire

Street, residential uses on the first floor of 11<sup>th</sup> Street & New Hampshire Street, rooftop safety rails visible from the street, fiber cement board used on the ground level or anywhere on the Massachusetts Street elevation, and vinyl windows. In addition, they have overriding concerns due to the unwavering height, mass, and scale of the project. He said they agree with the staff recommendation to deny the Certificate of Appropriateness and he encouraged each commissioner to speak their opinions on the issues at hand.

Ms. KT Walsh said she agreed with comments made by the LPA and is happy to see the use of brick on the project, although the black brick on the south side is too dark. She felt they should keep the vertical space in the alley open but was not opposed to glass walkways. She said that the sheer mass of the building at 11<sup>th</sup> Street and Massachusetts Street dwarfs the courthouse and the Watkins Museum due mainly to the massing. She also felt that the ground floor residential uses proposed on New Hampshire Street are inappropriate. She added that only the East Lawrence Neighborhood Association (ELNA) president was able to attend a meeting with the applicant, but a suggestion to setback the parking garage from the alley was agreed upon. Ms. Walsh invited the applicant to attend their December 3<sup>rd</sup> meeting at 7:00 pm at New York Elementary School. She listed some concerns they would like addressed by the applicant:

Will the parking garage be open to the public or tenants only?

How will excavation effect surrounding building walls, foundations, pipes, construction noise and dust?

Will there be a pedestrian cut-through?

Where will the entrances and exits be?

What is the actual height of the alley side of the parking garage?

How will be the project transition into the neighborhood?

Mr. Web Golden, member of the Douglas County Historical Society, read portions of a letter that they submitted prior to the meeting.

Ms. Marcia Epstein, 1041 Tennessee Street, said she agrees with other concerns that have been voiced and appreciates the applicant's willingness to find ways to make things work. She did not feel the proposed is a solution for Downtown Lawrence or a welcoming entry to downtown, and it overshadows historic buildings. She also voiced a concern regarding the proposed 635 bedrooms with only 200 or so parking spaces, and encouraged commissioners to think about what they really want for this space downtown.

Mr. David Brown, attorney representing Ashlar LLC, the owners of the English Lutheran Church at 1040 New Hampshire Street, stated that the project scope, size and mass is oppressive to the owners of the property. He explained that they have invested millions in preserving the church, in a dependence that Lawrence recognizes the importance of preserving history and a sense of neighborhood. Mr. Brown said the proposed building looks generic and does not fit with surroundings. He encouraged the Commission to adopt the staff recommendation for denial. He added that the parking garage isn't large enough to meet parking needs and is not attractive, and suggested they explore underground parking options.

Mr. Steve Macelji, owner of Macelji's at 1031 New Hampshire Street, said he's looking forward to having neighbors but parking is an issue, particularly due to the volume generated by his business as well as the Granada. He suggested the applicants explore the idea of a parking garage, a joint

effort between Core Spaces and the City, in the Scotch/Maceli's space and move those businesses where the garage is currently proposed.

### **COMMISSION DISCUSSION**

Commissioner Buchanan asked if there will be a traffic study.

Ms. Zollner said that a study will be done with the site plan.

Commissioner Bailey asked how far the garage is setback from the church.

Mr. Matesi said it is 10 feet from property line.

Commissioner Bailey asked about the 20 feet setback for the upper two floors along Massachusetts Street.

Mr. Matesi clarified on the plans where the 20 feet setback applies- the full frontage of Massachusetts Street, along 11<sup>th</sup> Street adjacent to the courthouse, and stops at the alley. He noted that the upper floors can't be seen from a pedestrian level.

Commissioner Bailey asked about the difference in height between the proposed project and Einstein Brothers, as it pertains to 7.3 of the Downtown Design Guidelines.

Mr. Matesi explained that Einstein's is a two story structure and the guideline doesn't specifically address next door neighbors, so they're taking cues from taller adjacent buildings, and noted the allowance for height on the corner.

Commissioner Bailey addressed 7.1 of the Downtown Design Guidelines and staff's opinion that the proposed building height is inappropriate.

Mr. Matesi said the appropriate limit is 90 feet, per zoning code.

Commissioner Bailey noted concerns about the height and mass of the project and suggestions to work with the ARC to scale back those elements. He asked if the applicant is open to that idea.

Mr. Matesi said that reducing the height and mass would be a deal killer, although there are other details they are willing to work on.

Commissioner Bailey asked about stepping back the parking garage from the church.

Mr. Matesi said there may be more room to increase the setback.

Commissioner Bailey asked if the ground floor residential uses are necessary.

Mr. Matesi explained that while they would love to line all of New Hampshire Street with retail and office, it puts the project at financial risk due to competition on Massachusetts Street.

Commissioner Evans said he doesn't mind the Special Use Permit request or the alley, but does have a problem with height and bulk, and given the applicant's inability to modify that, he has no desire to take it to the ARC and is inclined to deny the project.

Commissioner Hernly noted that page 1 of the plans shows a perspective photo (of Watkins Bank Building) that was not pieced together correctly, and noted other perspective images on pages 16, 25, 31 and 31A, that also do not match up.

Mr. Matesi mentioned that the façade is pushed back above the second level.

Commissioner Veatch said he agreed with Commission Evans about the height and massing, and would like to see the project go to ARC, although he did not think the project could get a Certificate of Appropriateness.

Commissioner Fry agreed that the massing is overwhelming.

Commissioner Erby agreed. She said she has a problem with the alley and the height competing with the courthouse and the Watkins Bank Building. She felt it would be a good idea to improve the project with ARC in case other bodies intervene.

Commissioner Bailey focused on the Certificate of Appropriateness review, the significance of the Watkins Bank Building and the courthouse, and felt the project would significantly encroach upon those properties. He also noted that the most significant Downtown Design Guidelines are not met (7.1, 7.2, 7.3). He hoped the applicant would be willing to work with the ARC.

Commissioner Veatch asked if the vote on the Certificate of Appropriateness could be deferred until after meeting with the ARC.

Commissioner Buchanan said she didn't think so because the program would not change.

Commissioner Bailey felt it would be worth considering.

Commissioner Veatch said it would be a more complete process.

Commissioner Evans reiterated that the massing is the main issue.

Commissioner Bailey asked Commissioner Hernly if he felt ARC could be productive.

Commissioner Hernly said yes, potentially. He agreed with findings in the staff report that not just a few things can change- the massing needs to change.

Commissioner Buchanan noted that the applicant has put a lot of thought into the design process, and it would be worthwhile taking the project to ARC.

Mr. Matesi said Core is willing to do that.

Commissioner Bailey said commissioners should provide guidance to the ARC on things such as the setback on the alley, rooflines for both structures, and scaling or stepping back the parking garage to mitigate the effect on the church.

Commissioner Evans said the staff report has a good list of items.

Commissioner Bailey asked if there's a problem with deferring the Certificate of Appropriateness.

Ms. Zollner said no.

Commissioner Evans said he's ok with deferring action on the Certificate of Appropriateness.

### **ACTION TAKEN**

Motioned by Commissioner Buchanan, seconded by Commissioner Bailey, to defer the Certificate of Appropriateness review until the project returns to the full commission.

Unanimously approved 7-0.

Motioned by Commissioner Bailey, seconded by Commissioner Buchanan, to refer the project to Architectural Review Committee to work on issues identified in the staff report while utilizing comments made throughout the meeting

Unanimously approved 7-0.

### **COMMISSION DISCUSSION**

Commissioner Buchanan and Commissioner Veatch said they agree with the staff recommendation on the Special Use Permit.

### **ACTION TAKEN**

Motioned by Commissioner Buchanan, seconded by Commissioner Veatch, to forward a comment to the Planning Commission and City Commission that the ground floor residential uses requested to be along a portion of New Hampshire Street do not reflect the overall patterns of the historic downtown and are not advocated by the Downtown Design Guidelines. The ground units located internal to the project are supportable if the New Hampshire Street and 11<sup>th</sup> Street frontages are activated with a mix of commercial, retail, office, and residential amenity uses.

Motion carried 5-2, Evans and Fry dissented.