

PC Minutes 3/27/19

ITEM NO. 11A SPECIAL USE PERMIT FOR THE HUB; 1040 MASSACHUSETTS ST & 1041 NEW HAMPSHIRE ST (BJP)

SUP-18-00502: Consider a Special Use Permit for ground floor dwelling units, The Hub at Lawrence, located at 1040 Massachusetts St, and 1041 New Hampshire St. Submitted by Core Lawrence Massachusetts LLC on behalf of Allen Press Inc and Allen Realty Inc, property owners of record.

ITEM NO. 11B SPECIAL USE PERMIT FOR THE HUB; 1000 NEW HAMPSHIRE ST (BJP)

SUP-19-00033: Consider a Special Use Permit for ground floor dwelling units, The Hub at Lawrence, located at 1000 New Hampshire St Block 1. Submitted by Core Lawrence Massachusetts LLC on behalf of Allen Realty Inc, property owner of record.

STAFF PRESENTATION

Becky Pepper presented items 11A-11B together.

APPLICANT PRESENTATION

Matthew Gough, Barber Emerson Law Firm, agreed with the staff report. He displayed renderings of the project on the overhead.

PUBLIC HEARING

Bob Schumm supported historic preservation. He said the buildings at the site were dilapidated and not presentable for the gateway to the community. He said something needed to happen at the corner and this was a viable proposal. He supported development of the intersection.

Justin Anderson said revitalizing the corner was important for maintaining the health of downtown. He felt ground floor dwelling units were appropriate in this situation. He felt it would help bring business to the downtown area. He supported the project and felt it would revitalize the east side of Massachusetts Street.

Charles Jones opposed the project. He said the ground level entrances on Vermont Street was appropriate and asked Planning Commission to support that portion of the project.

Peter Zacharias (spoken by his spouse) expressed concern about the size, height and increased need for parking. He was also concerned about a grocery store not being close. He felt the proposed project was too big and did not fit with the historical nature of the buildings around it.

Pat Kehde said the Special Use Permits seemed benign because the rooms were not on New Hampshire Street. She felt it was setting a precedent about residential being okay on the first floor. She also felt it was spot zoning. She said the proposed development was too large in both mass and height. She said she would love to see development at the site but would prefer a smaller scale building. She wanted to see a beautiful building in downtown Lawrence.

Kirsten Flory supported the project and stated no incentive dollars were being requested by the developer. She said the residential residents would create an additional customer base for existing downtown businesses. She said the project fell into the realm of how downtown could grow successfully and residents be able to live, work, and play in the community. She asked Planning Commission to support the project.

Tim Herndon said the growth of population and how people live has changed over time. He said for every square foot not built at the site it would be replicated somewhere else in town.

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Anna Rowe said there was no better way to honor history than to grow and move forward. She felt the overall development would be an enhancement to its current state. She asked Planning Commission to support the development.

Cindi Kroll Hauptli opposed the project. She expressed concern about retaining the historic character of the area.

Codi Bates supported the project and felt residential density was vital to downtown.

Brian Thomas spoke in opposition of the project. He asked Planning Commission to deny the request.

Sally Zogry, Downtown Lawrence Inc, supported the project. She felt it was a great opportunity to allow residents to easy access to downtown.

Emily Peterson supported the project and felt downtown density would help the vitality of downtown. She appreciated the design changes and hoped collaboration could continue to make it a successful project.

Amber Nickel spoke in support of the project.

Tom Harper asked Planning Commission to look at the entire project and listen to the public comment. He asked Planning Commission to consider what 550 transient students would do for and TO downtown. He expressed concern for increased traffic and parking. He felt there would be long-term consequences.

David Brown, attorney representing John Anderson, opposed the project due to its mass, height, size, and design. He expressed concern for the safety of tenants living in ground floor units. He expressed concern for the traffic flow and insufficient parking. He also worried about the demands on the police with 500-600 additional students. He asked Planning Commission to protect historic properties.

Kerry Altenbernd felt the project would be setting a bad precedent for future Commissioners. He felt Special Use Permits should be used for a special compelling reason. He said ground floor apartments were not appropriate. He asked the Special Use Permits be denied.

Dalton Paley did not oppose the project. He said retail tenants struggle because of decreased foot traffic. He said the project would take away the eyesore that exists today. He did not feel the building was perfect but it opened the opportunity for discussion about downtown development.

Amy Sanchez appreciated the first floor apartments not facing the street. She felt it came down to growth or stagnation.

Anne Tangeman spoke in opposition and encouraged Planning Commission to deny the Special Use Permits. She said it was a prime location and they could do better. She felt it set a precedent.

Maren Ludwig said lots of students support the business she manages, Mass Street Soda. She felt students were being cast in a poor light. She said it was not entirely a student development and that the developer stated there was a market for young professionals as well.

Tiffany Hall supported the Special Use Permits.

Jay Taylor supported the project and was excited for growth in the community.

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Onkar Sangal felt the project would add to the vitality to downtown and was worth pursuing.

APPLICANT CLOSING COMMENTS

Gough said he was happy to answer any questions Planning Commission may have.

COMMISSION DISCUSSION

Commissioner Sands asked when the Allen Press properties were built.

Pepper said the center Allen Press property was built in 1946 and the building to the south was built in 1972. She said it was unknown when the building to the north was built. She said the building on Massachusetts Street was constructed in the late 1950's for a grocery store until the late 1970's. She said it had been used as Allen Press storage since 1982. She said there were no records of any official applications submitted for the site.

Commissioner Willey asked why just this piece required the Special Use Permit and not the entire project.

McCullough said it was a mixed-use development downtown. He said the intent of the Development Code was to make sure the downtown area primarily remain non-residential on the street. He said the reason Planning Commission was not looking at the entire project was because it was one use of the project. He said the project went to Historic Resources Commission for the design aspects. He said there would be site planning issues in terms of infrastructure capacity, street design, and lighting, for example. He said assuming it meets Code, it was a question of whether ground floor dwellings units make sense for a mixed-use building at this location, given the design presented. He said ground floor dwelling units on the street were part of the original plan that staff and Historic Resources did not support. He said that was one component that changed through the process.

Commissioner Paden said there were many public comments about the project being specifically for students.

McCullough said the Land Development Code did not distinguish between student housing and non-student housing. He said it is not known who is living in downtown structures unless census data provides that information.

Commissioner Paden asked if there was anything about the project that would only be for students.

McCullough said the amenities could be student oriented.

Commissioner Ashworth inquired about parking issues.

McCullough said it would be part of the administrative site plan review. He said the Code did not have a parking requirement for developments in the downtown area. He said the idea behind that was the City supplies the parking and private development provide the development so as not to have a lot of surface parking lots. He said parking had been supplied through different mechanisms such as parking garages.

Commissioner Willey inquired about the ADA access.

Chad Matesi, Core Spaces, said ADA was a Code requirement and the project would meet that requirement. He said there would be fully accessible units and some units that would be adaptable.

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Commissioner Sands inquired about Historic Resources Commission recommending approval of the Special Use Permits but denying the Certificate of Appropriateness.

McCullough said Historic Resources Commission was looking at certain components of the project. He said their primary mission was to look at the Certificate of Appropriateness and Downtown Design Guidelines which carry criteria they must judge the project by. He said the Special Use Permits were a little outside of that criteria but they were asked to comment on it. He said it was feasible Historic Resources Commission could not support the overall design, bulk, scale, and mass of the building but when looking at just the question of ground floor dwelling units could come up with an approval comment. He said in other words, if the project met the Certificate of Appropriateness criteria and Downtown Design Guideline criteria than Historic Resources Commission would agree the Special Use Permits were appropriate.

Commissioner Carpenter asked if it was fair to say the Historic Resources Commission recommendation was based on encroachment on environs of the historic properties, not as to the actual use in that location.

McCullough said that was correct.

Commissioner Carttar inquired about the green spaces facing the street on the east side of New Hampshire Street.

Matesi said they were ground floor office.

Commissioner Carttar asked about safety and access to the building.

Matesi said a gate on New Hampshire Street would be secured and access controlled by specific tenants. He said the courtyard space in the center would be secured and only accessed from the interior of the building. He said the east side of New Hampshire Street would be free to access.

Commissioner Carttar inquired about enforcement of building quality and building Codes.

McCullough said the building permit review was conducted through the Building Safety division. He said it was an intense review by licensed architects and engineers. He said it would be constructed according to Building Code, which have a series of inspections, including infrastructure inspections. He said building upkeep and maintenance would fall under the Property Maintenance Code, which was complaint driven and enforced by Code Enforcement.

Commissioner Ashworth said she did not have concerns about the ground floor dwelling units. She said should the project not be built and another project comes forward the ground floor dwelling units could help mitigate height. She wanted the flexibility to be available.

Commissioner Sands inquired about the 16' alley and access.

Matesi said the alley would remain open. He said the courtyard would be secured and not have access to the alley. He said the only way to access the courtyard was from the interior.

Commissioner Willey said she was in favor of the ground floor dwelling units not facing the street.

Commissioner Carpenter asked about an emergency exit from the courtyard.

Matesi said there would likely be an emergency only egress.

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Commissioner Carpenter asked if there would be windows on the alley side.

Matesi said yes, there may be some bedroom windows that face the alley.

Commissioner Carpenter asked about on-site security.

Matesi said security was handled through design and management. He said typically on weekends there would be a third party security on-site. He said the buildings would be fully managed every day of the week from 9:00am-5:00pm, with approximately six staff members. He said approximately six students who reside in the building would be paid to monitor the building during off hours.

Commissioner Carpenter said he was generally not opposed to the ground floor dwelling units. He hoped the applicant would remain open to additional conversations about the project.

Commissioner Carttar said he was concerned about the things Planning Commission was not being asked to look at tonight. He said the design presented was sensible in terms of access. He said the unrestricted area on east side of the street was risky. He said he generally supported the element Planning Commission was asked to look at.

Commissioner Paden said there could be a need for less parking because it would encourage and allow people to bike and walk where they want to go. She said until there is enough density downtown there will never be a grocery store downtown.

Commissioner Struckhoff said he generally supported the Special Use Permits. He said parking was an issue and he hoped it would start a conversation about downtown parking regulations in the master plan.

Commissioner Sands said he would vote in favor of the Special Use Permits. He expressed concern with foot traffic access. He said the project may not be perfect in every aspect but overall a net positive. He liked the layout of the ground floor units on New Hampshire Street.

ACTION TAKEN on Item 11A

Motioned by Commissioner Paden, seconded by Commissioner Sands, to approve the ground floor dwelling units at the Hub at Lawrence project, and forwarding the request to the City Commission with a recommendation for approval, subject to the following conditions:

1. There shall be no ground floor dwelling units with exterior frontage on New Hampshire Street and E. 11th Street.
2. The total square footage of the first floor residential shall not exceed 50% of interior square footage of the first floor structure on New Hampshire Street.

Motion carried 8-1, with Commissioner Butler voting in opposition. Commissioners Ashworth, Carpenter, Carttar, Paden, Sands, Struckhoff, Weaver, and Willey voted in favor of the motion.

ACTION TAKEN on Item 11B

Motioned by Commissioner Paden, seconded by Commissioner Sands, to approve the ground floor dwelling units at the Hub at Lawrence project, and forwarding the request to the City Commission with a recommendation for approval, subject to the following condition:

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1. There shall be no ground floor dwelling units with exterior frontage on New Hampshire Street

Motion carried 8-1, with Commissioner Butler voting in opposition. Commissioners Ashworth, Carpenter, Carttar, Paden, Sands, Struckhoff, Weaver, and Willey voted in favor of the motion.

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