

PLANNING COMMISSION MEETING

August 24 & 26, 2009

Meeting Minutes

August 24, 2009 – 6:30 p.m.

Commissioners present: Blaser, Carter, Chaney, Finkeldei, Harris, Hird, Moore, Rasmussen, and Student Commissioner Shelton

Staff present: McCullough, Stogsdill, Day, Finger, J. Miller, Zollner, and Ewert

MINUTES

Receive and amend or approve the minutes from the Planning Commission meeting of July 20 & 22, 2009.

Motioned by Commissioner Harris, seconded by Commissioner Carter, to approve the July 20 & 22, 2009 Planning Commission minutes.

Motion carried 6-2, with Commissioners Blaser and Rasmussen abstaining. Student Commissioner Shelton voted in favor.

COMMITTEE REPORTS

Receive reports from any committees that met over the past month.

There were no committee reports.

COMMUNICATIONS

Mr. Scott McCullough reviewed new attachments/communications that were posted to the online Planning Commission agenda after the initial posting date.

No written action of any waiver requests/determinations made to the City Engineer.

EX PARTE / ABSTENTIONS / DEFERRAL REQUEST

- No ex parte.
- No abstentions.

ITEM NO. 1 SPECIAL USE PERMIT FOR A BED & BREAKFAST; 603 TENNESSEE ST (LBZ)

SUP-4-3-09: Consider an amended Special Use Permit application, repealing the Adaptive Reuse of a Historic Property element of the application, for property located at 603 Tennessee Street for a Bed & Breakfast. Submitted by Rainbow Works LLC, property owner of record. *Deferred from the 7/20/09 Planning Commission meeting.*

STAFF PRESENTATION

Ms. Lynne Braddock Zollner presented the item.

Commissioner Harris inquired about ownership and asked who is considered the owner occupant with a corporation.

Ms. Zollner said the chief executive officer or someone the corporation designates.

APPLICANT PRESENTATION

Mr. Tony Backus, said the house has been for sale for a long time and they have had people request that they turn it into a bed and breakfast. He said there has been lots of positive response for a bed and breakfast in the community.

No ex parte communications by the Commissioners

PUBLIC HEARING

No public comment.

COMMISSION DISCUSSION

Commissioner Harris asked if this Special Use Permit would need to be revisited if it changed ownership.

Mr. McCullough said that has not been recommended as a condition for this permit.

ACTION TAKEN

Motioned by Commissioner Finkeldei, seconded by Commissioner Chaney, to approve SUP-4-3-09, a Special Use Permit for a Bed and Breakfast located at 603 Tennessee Street based upon the findings presented in the body of the staff report and subject to the following conditions:

1. Execution of a Site Plan Performance Agreement.
2. Publication of an ordinance per Section 20-1306(j).
3. Final Inspection and approval by the Fire Department before occupancy as a Bed and Breakfast.
4. Applicant shall provide a revised site plan to show the following changes:
 - a. existing fencing
 - b. site summary table
 - c. existing building elevations
 - d. correct the following text on the face of the site plan:
 1. remove "with On-Site Manager" from Occupancy – Proposed
 2. remove Employees – (1)
 3. add DR-7-88-09 under Historic Resources Commission
 4. removed "Caretaker's Suite" under Floor Areas and Uses. Identify as 'Owners Suite'
5. Applicant shall provide a revised site plan to include the following notes:
 - a. "SUP is granted approval for 5 years. A new SUP shall be required before July 2014 to continue the Bed and Breakfast use."

- b. "SUP is granted for up to three guest rooms. Use of additional guest rooms shall require a new public hearing."
- 6. Any signage associated with the bed and breakfast must be reviewed and approved by the Historic Resources Administrator prior to installation.

Unanimously approved 8-0, with Student Commissioner Shelton voting in favor.

ITEM NO. 2 AMENDMENTS TO COUNTY ZONING REGULATIONS; CONDITIONAL ZONING MAP AMENDMENTS (LF)

TA-6-9-09: Consider a text amendment to the Douglas County Zoning Regulations that would allow the County Commission to approve conditional zoning map amendments (rezoning request).
Initiated by the Board of County Commissioners on 6/24/09.

STAFF PRESENTATION

Ms. Linda Finger presented the item.

Commissioner Rasmussen asked if two amendment parts were being considered, one amending the Planning Commission authority and one amending the authority of the County Commission.

Ms. Finger said yes, all under zoning map amendments. It is one type of change but two different authorities.

Commissioner Harris inquired about forgoing the supermajority voting and asked under what circumstances that would take place where a state law would supersede the local law.

Ms. Finger said that would take place with Quarries. That was changed with legislation with last term of the Commission. If there is a rock quarry type of request the supermajority no longer counts in the petition.

Commissioner Hird inquired about the League of Women Voter Letter addressing the legality of this.

Ms. Finger said she has had several conversations with Betty Lichtwardt, League of Women Voters, as well as conversations with Evan Ice, county attorney. She said Mr. Ice puts a different emphasis on the same section. He believes that 'except as provided in the zoning regulations' is what this is in conformance with and does not put the same emphasis that they do on the uniformity shall be uniform. She said if all parties think they can go forward with this then Mr. Ice is comfortable with that.

Commissioner Hird asked if the Conditional Zoning would be considered permanent or temporary.

Ms. Finger said once it is approved it would be permanent as any zoning is.

Commissioner Hird inquired about public notice of conditions placed on a particular parcel.

Ms. Finger said public notice would be through the public hearing procedures.

Mr. McCullough said with City properties we added a layer in GIS to see the ordinance that contains the conditions. Staff could coordinate with the County GIS to do something similar.

Commissioner Rasmussen asked if a timeframe could be one of the conditions.

Ms. Finger said conventional zoning does not come with timeframes and it was not part of the discussion when the County Commission initiated it.

Commissioner Rasmussen asked what type of conditions could be placed on it.

Ms. Finger said the conditions were left flexible. She stated that in section 12-324-2(c) *'The Planning Commission may recommend conditions or modifications if the effect of the condition or modification is to limit the allowed uses or to allow a lesser change'*... She said the conditions that could be placed

on a zoning are the same that could be placed today, such as a site plan requirement or platting requirement.

Commissioner Rasmussen asked if the use could be limited but not the time of the use.

Ms. Finger said that was correct, no more so than any other B-2 zoning.

Commissioner Rasmussen asked if people who read this would realize time could not be limited.

Mr. Miller said he has not looked at the County Zoning Regulations because it is a county zoning matter and he is not council to the county. He said the two issues to focus on is it lawful and reasonable.

PUBLIC HEARING

No public comment.

ACTION TAKEN

Motioned by Commissioner Carter, seconded by Commissioner Harris, to approve the proposed amendment [TA-6-9-09] that creates regulatory authority for the County Commission to consider zoning map amendments (rezonings) for conditional zoning.

Unanimously approved 8-0, with Student Commissioner Shelton voting in favor.

**ITEM NO. 3 PRELIMINARY PLAT FOR PARK PLACE ADDITION; 510-544 FIRESIDE DR
(SLD)**

PP-6-3-09: Consider a one lot multi-family Preliminary Plat on approximately 7.71 acres for Park Place Addition located at 510-544 Fireside Drive. Submitted by Paul Werner Architects, for Ernest Fleischer, property owner of record.

No disclosure of ex parte.

STAFF PRESENTATION

Ms. Sandra Day presented the item.

Commissioner Harris asked staff to address concerns that were in the communications from the public.

Ms. Day said staff received communications inquiring how buffering treatment would be handled between the new apartment complex and the remaining duplexes that front Trail Road. The applicant through the public notice process contacted staff during the review period indicating their concern about buffering treatment. Staff will review the buffering treatment during the site planning stage. The two abutting zoning districts are comparable zoning districts so there is no mandatory buffer yard other than normal setback and normal screening requirements that would be required of a development, so there is no extraordinary buffering that would need to occur.

APPLICANT PRESENTATION

Mr. Paul Werner, Paul Werner Architects, agreed with staff but questioned how the recommendation was worded. He expressed concern about the wording of the condition regarding public access easement.

COMMISSION DISCUSSION

Mr. McCullough said the note could be reworded to say something along the lines of 'public access to and through Fireside Drive shall be maintained in an open fashion.' Suggested a motion such as 'contains a plat note as coordinated through the applicant and staff for the intention of keeping Fireside Drive open to the public.'

ACTION TAKEN

Motioned by Commissioner Finkeldei, seconded by Commissioner Rasmussen, to approve the Preliminary Plat of Park Place Addition and forwarding it to the City Commission for consideration of the requested vacation of right-of-way and easements and dedication of easements, subject to the following condition:

Provision of a preliminary plat note regarding public access on Fireside Drive ~~shall not be gated in any way to prevent vehicle or pedestrian access to the property or development~~, the wording of which will be agreed upon by staff and applicant prior to presenting to the City Commission.

Unanimously approved 8-0, with Student Commissioner Shelton voting in favor.

ITEM NO. 4 PRELIMINARY DEVELOPMENT PLAN FOR BAUER FARM; 4700 OVERLAND DR (SLD)

PDP-6-1-09: Consider a revised Preliminary Development Plan, approximately 43.88 acres, for the commercial portions of Bauer Farm, located at 4700 Block #2 Overland Drive. Submitted by Landplan Engineering, for Free State Group LLC, Free State Holdings Inc, Bauer Farms Residential LLC, and CVS Pharmacy LLC, property owners of record.

STAFF PRESENTATION

Ms. Sandra Day presented the item.

APPLICANT PRESENTATION

Mr. Tim Herndon, Landplan Engineering, agreed with the proposed conditions in the staff report.

Commissioner Rasmussen inquired about the elevations of the apartment structure on Overland Drive.

Mr. Herndon said the Preliminary Development Plan does require a conceptual site section. He said after the Preliminary Development Plan is approved the Final Development Plan will zoom in on the site and include more detail.

Commissioner Rasmussen asked if at this phase Mr. Herndon anticipated that it will have some relief along Overland Drive.

Mr. Herndon replied yes.

No ex parte communications.

PUBLIC HEARING

No public comment.

COMMISSION DISCUSSION

ACTION TAKEN

Motioned by Commissioner Hird, seconded by Commissioner Finkeldei, to approve the Preliminary Development Plan for Bauer Farm based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval subject to the following conditions:

1. Provision of a revised Preliminary Development Plan to show additional landscape per the drawing dated 7.31.09 for Lot 3, Block 6.
2. Provision of a revised Preliminary Development Plan to include the following note on page 1 of the drawing to state "See FDP-1-2-09; Bauer Farms- Phase 2 (residential development) approved PC on 5/18/09 for related residential development of this project."

Unanimously approved 8-0, with Student Commissioner Shelton voting in favor.

ITEM NO. 5 AMENDMENTS TO DEVELOPMENT CODE; BOARDING HOUSE (SDM)

TA-6-17-09: Consider Text Amendments to various sections of the City of Lawrence Land Development Code to review standards related to "Boarding House."

STAFF PRESENTATION

Mr. Scott McCullough presented the item.

Commissioner Finkeldei inquired about one of the communications received that talked about occupants and number of parking spaces.

Mr. McCullough said staff did not spend much time looking at it because the communication letter came in to the office today. He said he would take the information to be fairly accurate. He stated that staff are aware of several variances granted to Boarding Houses by the Board of Zoning Appeals. He said a variance is an avenue of requesting relief of code provisions.

Commissioner Finkeldei asked how long the current requirement of 1.5 parking spaces has been in place.

Ms. Stogsdill said she believed it was changed a few years prior to 2006.

PUBLIC HEARING

Mr. Kyle Thompson, president of the Oread Neighborhood Association, was opposed to boarding houses and read from the communication letter that was part of the Planning Commission packet. He said he will have a hard time selling his home in the future with the boarding houses in his neighborhood. He felt that owner occupants will be pushed out of the neighborhood.

Commissioner Finkeldei said it sounded like the Oread Neighborhood would prefer to have apartments versus boarding houses.

Mr. Thompson said the Oread Neighborhood believes the really large houses that were originally built as boarding house should be allowed to maintain the structure. He said his preference would be apartments versus a boarding house.

Commissioner Finkeldei said the Commission took a tour of the neighborhood and there are very large structures that he could not imagine putting owner occupants next to. There were some houses that were being fixed up and look better after being renovated.

Mr. Thompson said there has been nice work done on some of the boarding houses.

Commissioner Rasmussen asked how many homes are in the Oread Neighborhood.

Ms. Elle LeCompte said there are 1,270 structures in the Oread Neighborhood and 1,075 on street parking spaces.

Commissioner Rasmussen asked what the tipping point would be and how many is too many.

Mr. Thompson said there are currently 17 legal boarding houses and he did not know what the tipping point would be.

Ms. Elle LeCompte, Oread neighborhood, went over the communication that she gave to Planning Commission in their packet and showed her numbers on the overhead. She said she talked to some of the kids living in boarding houses and they hate the parking situation because there is not enough

room. She said if there have to be boarding houses then they should be in large historic structures that could not be sustained otherwise and spread them out, not just clumped together.

Commissioner Finkeldei asked how many of the boarding houses were over 4,000 square feet.

Ms. LeCompte said she did not know. She said two of the new boarding houses on Tennessee and Kentucky Streets are basically three or four bedroom apartments converted into boarding houses. She said it was a more lucrative way of using the space. She said that people who live in apartment houses tend to have some social control because if one person is having a party another resident might call the police, whereas a boarding house the entire house is having the party.

Mr. Rob Farha, stated 1416 Tennessee Street was a large single family home that was converted from apartments to boarding house which reduced the occupancy.

Commissioner Finkeldei asked which boarding house was the smallest that Mr. Farha has done.

Mr. Farha said 1042 Tennessee Street.

Commissioner Moore asked Mr. Farha for his feel on 4,000 square feet.

Mr. Farha said there is a right place and possibly a wrong place for boarding house.

Commissioner Rasmussen asked if the separate bedrooms have individual door locks.

Mr. Farha said he puts locks on every bedroom but that is up to each landlord.

Commissioner Rasmussen asked if Mr. Farha read the staff report and which option he would like.

Mr. Farha said he would not be prepared to answer without discussing with his partners.

Ms. Marcia Epstein, 1041 Tennessee Street, (Mr. Kyle Thompson's wife) felt there should be guiding principles for neighborhoods. She felt Historic Preservation was important. She said the boarding house may preserve the exterior of the home but is no longer historic on the inside. She said that when discussing 4,000 square feet that it is important to be talking about the actual living space, not the basement or attic. She felt the terminology for boarding houses needed to be changed. She said Historic Preservation effects everyone.

Commissioner Finkeldei asked how many of the 17-19 boarding houses were single family homes that were converted into boarding houses.

Mr. McCullough said staff would have to research that.

Commissioner Rasmussen discussed quality of life issues such as inappropriate behavior from neighbors, trash, and parking impact to property values.

Ms. Epstein felt there was a higher risk of fire and that there is a lot that goes into quality of life.

Commissioner Rasmussen asked if she read the staff report and if she liked any of the options.

Ms. Epstein felt there should be no more boarding houses the way they are done now. She said her property value has gone down with the boarding houses in the neighborhood.

Ms. Candice Davis, 947 Louisiana Street, said it is a dynamic neighborhood but the biggest threat is this boarding house transformation. The traditional boarding house was a place that provided a meal

and had adults living there. When you take an average size structure and double the size to make it a boarding house it starts to ruin the neighborhood. It is unrealistic to use the term boarding house because it does not fit. We have rights in the neighborhood. She did not think it was expecting too much to have boarding houses completely eliminated.

Commissioner Finkeldei said he would like to know how many of the structures were expanded.

Mr. McCullough said the most recent ones have been expanded and that parking standards are still a limiting factor.

Commissioner Rasmussen asked what the difference between a boarding house and an apartment was.

Ms. Davis said a number of the boarding houses know each other and are part of the University Greek system so it allows them a place to drink off campus.

Mr. James Dunn, 936 Kentucky Street, said he was not sure boarding houses should be completely removed. He said Bert Nash is using the boarding house definition as a place that provides meals and supervision and he was not comfortable eliminating that as a housing option for the lower income population.

Mr. Aaron Paden, University of Kansas Student housing Association, said there are three student co-ops in the neighborhood. He said 1033 Kentucky is considered a boarding house but it is a co-op where the occupants are the owners. He said the issue is that the boarding house is used as a loophole for an illegal bar operation. He suggested co-op housing instead of boarding house and that sustainable living is something co-ops strive for. He said it is a historical neighborhood so a co-op designation might be more appropriate.

Commissioner Harris asked staff if co-op housing is considered a boarding house.

Mr. McCullough said yes.

Commissioner Harris asked if the terms are further defined in the code to differentiate between the two.

Mr. McCullough said no, there is no definition for co-op but there is a definition of boarding house.

Mr. Farha said they were there to discuss zoning and people keep bringing up social aspects. He said he can say things regarding the social aspects of the co-op houses too.

Ms. Marci Francisco, 1101 Ohio Street, reiterated the comments that the boarding house definition is a place where meals and lodging are found. She said the often the cooperative houses often have meal plans. She said the other uses listed with boarding houses in parking requirements are defined as having a supervisor. She was concerned that even if the number of occupants is limited the definition would still allow fewer parking spaces than one per occupant. She said that multi family designations were intended for arterial or collector streets.

Commissioner Carter asked Ms. Francisco if she liked any of the four options in the staff report.

Ms. Francisco said she liked the idea of taking away the name of boarding house if the house does not include meals. She said there may be some places where it makes sense to have more than four individuals living in a structure. She said recently the two houses on Ohio Street had a great deal of expansion. She thought it made sense to look at this as an opportunity for some various limited structures. She said the suggestion of 4,000 square feet made sense but the parking should not be

changed for this use, especially if it is allowing a number of unrelated people in a structure. She said if meals aren't provided then they will have to find a way to get to the grocery store so they are likely to have vehicle.

Ms. Fadila Boumaza, owner of 928 & 930 Ohio Street, said students want an apartment that is safe and close to campus. She said some students do act in an acceptable manor, depending on the dwelling they are provided. If the apartment or house is completely dilapidated they will have parties and not care about damaging the property. She said that police reports show where problem areas are. She felt that all stakeholders should be considered.

Commissioner Harris asked her to discuss the concern of neighbors who have reported repeated parties in boarding houses.

Ms. Boumaza said there are some areas that are problematic and she felt it had to do with the state of the structure and how it is maintained. She said she has not seen the statistics of the police reports but she cannot deny the existence of party areas.

Commissioner Hird asked what responsibility the landlord has to control the social behavior of the tenants in their structure.

Ms. Boumaza said that setting the ground rules in the selection of tenants and being responsive with complaints should be the landlords responsibility. She said that if a neighbor expresses concern then the landlord should be responsible.

Commissioner Finkeldei asked what the square footage of Ms. Boumaza's homes were.

Ms. Boumaza said close to or over 4,000 square feet and all bedrooms have bathrooms. The buildings were expanded.

COMMISSION DISCUSSION

Commissioner Finkeldei inquired about 1.1 parking spaces per occupant. He asked what the rule was for apartment buildings.

Mr. McCullough said 1 parking space per bedroom in an apartment. The Code for boarding houses changed in 2002 from 1 parking space per 2 occupants to 1.5 parking spaces per 2 occupants. He said occupants are used as opposed to bedrooms in a boarding house.

Commissioner Carter inquired about the definition of a boarding house.

Mr. McCullough read the definition of a boarding house from the Code.

Commissioner Moore suggested separating the definition of co-op from boarding house. He said it would be interesting to see the square footage of the boarding houses and how they are counted and defined. He felt the site plan should pertain more to the bedrooms rather than the number of occupants.

Mr. McCullough said the site plan is used as an enforcement tool but that they are complaint driven. He said the challenge is reducing the scope of use of the boarding homes.

Commissioner Hird said the boarding house has evolved into this loophole idea. He said that if boarding houses can help solve some of the affordable housing issues in Lawrence then they would serve a purpose and if it provides at least for the exterior renovation of houses that would be torn down otherwise there is a public purpose there. He said the issue of parking is a serious problem in the Oread Neighborhood and needs to be addressed strongly in considering whether to allow

boarding houses. He stated the other issue heard tonight is social behavior. He said it is a question of whether people are taking meals and should co-ops should be separated from boarding houses because of the way they function internally. He said he feared they would be stepping into a very difficult enforcement process. He said he couldn't help but think the solution would be more rules. He said it is the outward behavior that is the issue and those are things that can be controlled. He felt the primary responsibility should be on landlords and control tenants through their leases.

Commissioner Finkeldei felt there was public purpose to having these structures but he did not like it as an exception to the 4 unrelated person rule. He felt they needed more information on how to handle these things. He said they need to address the overall parking issue in the Oread neighborhood and should include that in the Oread Plan. He said boarding houses could not be blamed for parties or the parking problems but they do contribute. He said he leaned more toward option 4 in the staff report.

Commissioner Hird agreed setting a threshold size if that solves the problem.

Commissioner Rasmussen felt that there needs to be means for more aggressive enforcement of the noise ordinance and better access to law enforcement. He said they should consider if there is a place for boarding houses in the Oread Plan. He felt they should consider the dynamics to an apartment versus a boarding house because a small apartment building might not be that much different than a boarding house. He said that doing away with the boarding house may not solve the problem.

Commissioner Carter suggested looking at designating a block or two for spots for boarding houses. He said that zoning cannot solve the social aspect of being good neighbors. He felt that owners should be proactive in being good neighbors and that landlords need to be held responsible or the problems will not go away. He said it would be hard for him to support additional boarding houses if they would perpetuate the current issues.

Commissioner Blaser said the number of large student housing built away from campus have the bus systems and boarding houses may not be as needed. He said he was leaning toward option 4 of the staff report. He agreed that the issue needs to be addressed in the Oread Plan. He said if co-ops are truly as described tonight then maybe they should be excluded.

Commissioner Harris agreed with the comments of Commissioner Carter about quality of life. She said that other types of buildings can have behavior issues. She said the size and scale of boarding houses may encourage it more than others and that they should be mindful of that. She said the larger structures were designed to house more than 4 people. She liked Commissioner Hird's comments about looking at how landlords regulate their tenants. She said it would be a significant cost to the city for enforcement. She said as far as separating co-ops from boarding houses she agreed with that because they are a separate type of use. She said if they keep boarding houses they should be called something different. She said that parking is a problem in the Oread neighborhood and she would be in favor of having 1 parking spot per bedroom.

Commissioner Finkeldei said they should be careful not to create loopholes with the definitions of boarding house and co-op because if the division is someone cooking a meal then that can be a pretty easy loophole.

Commissioner Harris said co-op means it is owner occupied.

Mr. McCullough asked for more direction on the scope. He said he has heard tonight to maintain the boarding house use to some degree in the Code but he has not heard a lot about backing off of 24 occupants and if so, to what degree.

Commissioner Moore said he was leaning toward option 4 in the staff report.

Mr. McCullough suggested a scale that takes you up through the size of the home and the parking available. He said it becomes a discussion of the dynamics of group living versus individual units.

Commissioner Hird asked if a parking requirement would solve the issue of an arbitrary number. If a house is well over 4,000 square feet and will accommodate 12 people with 12 parking spaces doesn't that solve the issue.

Mr. McCullough said yes, parking is one of the limiting factors.

Commissioner Rasmussen said he likes the boarding house model and that it is parties that are causing the problems. He said they are talking about approximately 20 boarding houses in the Oread Neighborhood which is about 2% of the neighborhood and they are just focusing on the bad apples.

Mr. McCullough said this is not unique to just the Oread Neighborhood, they can be in any RM district.

Commissioner Harris said there has been talk about this not being a loophole for people getting around more than 4 people living in a house. She asked staff to give it thought about when building additions may or may not be appropriate.

NO ACTION TAKEN

**ITEM NO. 6 AMENDMENTS TO DEVELOPMENT CODE; ADAPTIVE REUSE OF
DESIGNATED HISTORIC PROPERTY (SDM)**

TA-7-20-09:

Consider Text Amendments to various sections of the City of Lawrence Land Development Code to (1) correct language regarding Adaptive Reuse of Designated Historic Property in section 20-501, and (2) revise language in sections 20-1310 and 20-1311.

STAFF PRESENTATION

Mr. Scott McCullough presented the item.

Commissioner Harris inquired about one of the requests from the League of Women Voters to add some time condition for the Planning Directors determination.

Mr. McCullough said he was comfortable with that and suggested a 30 day time period.

Commissioner Finkeldei asked when it talks about preserving the architectural character of a historic property does that mean inside and outside.

Mr. McCullough said as established by Historic Resources Commission.

Commissioner Harris inquired about the comment from the League of Women Voters regarding lack of appeal.

Mr. McCullough said he did not fully understand the comment and wasn't sure if they were mixing the two sections.

Commissioner Harris said she did not fully understand the comment either.

PUBLIC HEARING

Mr. David Carter, Vice President of the Old West Lawrence Association, commented on three specific aspects of the Code.

20-501(6) - He thanked them for adding the provision of mailed notification to neighbors.

20-501(2) - He felt the wording 'not necessary to meet criteria' makes criteria meaningless.

20-1311 - He urged the Commission to not change the appeals section.

Mr. McCullough said section 20-501(2) as written today does not require that those criteria be met. He thought the language was pulled in from the former code. Staff's point was to clarify to applicants or neighbors that those are not set criteria and that they do not have to be met for an Adaptive Reuse.

Ms. Karen Kressin, 626 Ohio Street, objected to relaxed standards for Adaptive Reuse. She felt the threshold size requirement should be clarified as mandatory and increased. She suggested 5,000-6,000 square feet, counting only the two traditional living floors 1st and 2nd. She felt that adaptive reuse should only be available to structures that need it and limited to prospective projects. She gave examples of when the Adaptive Reuse has been used.

Commissioner Finkeldei asked if the Adaptive Reuse has been used 3 times.

Ms. Kressin replied yes.

Commissioner Finkeldei asked if a historic church is turned into an apartment would that be an Adaptive Reuse.

Mr. McCullough said it could be a number of uses.

Mr. Jim O'Malley, 626 Ohio Street, said the proposed change to 20-501(2) would make a fundamentally flawed and poorly drafted ordinance worse. He felt it would allow more intense uses in residential neighborhoods. He felt that Adaptive Reuse should be limited to 'at risk' properties. He noted that among the goals of Horizon 2020 is preservation of existing residential neighborhoods and this amendment would contradict that role. If felt if the amendment is adopted Old West Lawrence and other historic districts won't really be zoned RS5 anymore, they'd be zoned whatever the City deems appropriate for each property and historic districts would be subject to spot zoning.

Commissioner Rasmussen asked if Mr. O'Malley if he felt a staff report should be appealable.

Mr. O'Malley said it refers to a determination by the Director and it is a matter for a court to decide what it means.

Mr. Dale Slusser, 627 Ohio Street, said he appreciated the change about notification. He expressed concern about 'broad' text. He did some research and found that Adaptive Reuse in residential neighborhoods is 'outside the norm.'

Mr. John Nitcher, 608 Louisiana Street, said he initially disagreed with staffs assessment but now he understands the reasoning. He said the language before the proposed amendment would allow an expansive reuse. This may be an opportunity for the city to correct a real flaw in the part of the ordinance. He suggested leaving the language as is but replace 'are encouraged to' to 'may.'

Mr. McCullough said to this point staff haven't sought Historic Resources Commission involvement because we haven't changed the content of the section but if we do then we can go to the Historic Resources Commission for their opinion.

Ms. Katie Nitcher, 608 Louisiana Street, said that the adaptive reuse should just be on the main floor and second floor, not basement or attic.

COMMISSION DISCUSSION

Commissioner Finkeldei suggested sending it to Historic Resources Commission. He said he wants a Code that protects historic properties without increasing intensity of use. He suggested looking at a tier system.

Commissioner Moore agreed that it should go to Historic Resources Commission for their thoughts on it.

Commissioner Harris agreed with keeping a threshold and not including the attic or basement. She did not like using this tool to increase density in residential neighborhoods. She inquired about appeals process.

Mr. McCullough said in general staff reports are not appealable to the Board of Zoning Appeals. Public hearings are an avenue to voice disagreement with staff reports.

Commissioner Rasmussen asked if staff gave thought to making criteria mandatory by design.

Mr. McCullough wanted to give the Code flexibility. The proposed language was meant to clarify that it is encouraged and not required.

Commissioner Harris said she was in favor of having more clear language because the way it is written now the criteria does not have any weight.

ACTION TAKEN

Motioned by Commissioner Finkeldei, seconded by Commissioner Blaser, to defer indefinitely.

Motion carried 8-0, with Student Commissioner Shelton voting in the affirmative.

ITEM NO. 7 AMENDMENTS TO DEVELOPMENT CODE; DOWNTOWN COMMERCIAL DISTRICT & DEVELOPMENT REVIEW PROCEDURES (SDM)

TA-7-18-09: Consider Text Amendments to various sections of the City of Lawrence Land Development Code to (1) exempt certain projects in the CD, Downtown Commercial District, from site planning requirements, and (2) revise certain requirements in Article 13 Development Review Procedures related to Major, Standard, and Minor Development Projects.

STAFF PRESENTATION

Mr. Scott McCullough presented the item.

PUBLIC HEARING

No public comment.

ACTION TAKEN

Motioned by Commissioner Finkeldei, seconded by Commissioner Blaser, to defer indefinitely.

Motion carried 8-0, with Student Commissioner Shelton voting in the affirmative.

ITEM NO. 8 AMENDMENTS TO DEVELOPMENT CODE; PARKING STANDARDS (SMS)

TA-4-4-09: Consider Text Amendments to various sections of the City of Lawrence Land Development Code to address implementation issues regarding Parking Standards.

STAFF PRESENTATION

Ms. Sheila Stogsdill presented the item.

Commissioner Harris inquired about the potential situation mentioned in the presentation where an employer would need more parking spaces than required by Code.

Ms. Stogsdill said there is a section of the Code that says if excess parking is provided beyond what is required then the development needs to include Best Management Practices to offset the additional pavement. She said it was written to address big box stores that have built so much parking that it is not used on a regular basis.

Commissioner Harris asked what staff meant when she called the provision a penalty.

Ms. Stogsdill said the Code currently requires that a business would need to do some Best Management Practices to offset the impact of the additional pavement. She stated stormwater detention is based on whatever pavement is being proposed to be built today anyway. She gave the example of a business that is required to provide 100 parking spaces and they choose to provide 200 parking spaces, then they would offset the additional 100 spaces with some additional Best Management Practices such as providing bio swales or turf pavers. She said the proposed amendment tries to address the situation where a business needs extra parking spaces due to the number of employees but the Code currently only requires parking based on the size of the building. The amendment provides an option for those circumstances.

Commissioner Finkeldei said a better word for penalty would be extraordinary. He went on to say that the Code requires that if 100 parking spaces are required and 100 are provided then the rules are followed. If a business chooses to put in 25 extra parking spaces, then extraordinary work will need to be done for stormwater, landscaping, etc to discourage or off-set the extra spaces.

Commissioner Rasmussen asked about the parking not being marked with stripes.

Ms. Stogsdill said it would be in violation of the site plan to not have a designated and marked parking lot.

Commissioner Carter asked if this applies to new development.

Ms. Stogsdill said that was correct. She said Commissioner Finkeldei was correct that it is an extraordinary, above and beyond, the regular stormwater detention requirements that are based on how much impervious surface coverage is on the site.

Commissioner Rasmussen asked if it is a penalty for putting in more impervious surface than needed for a business to operate.

Ms. Stogsdill said that was correct.

Commissioner Harris asked if the increased parking requirement for bars applies to existing bars.

Ms. Stogsdill said that it would be required when any property came in for a site plan, which typically is when they are looking to expand or do some major renovation. She said there are no parking

requirements in the downtown CD district, so the bars downtown would not be affected by these changes.

PUBLIC HEARING

No public comment.

COMMISSION DISCUSSION

Commissioner Finkeldei thanked staff for their work on this.

ACTION TAKEN

Motioned by Commissioner Finkeldei, seconded by Commissioner Harris, to approve the proposed amendments [TA-4-4-09] to Sections 20-213, 20-901, 20-902, 20-903 and 20-904 of Chapter 20, Land Development Code and forward the proposed amendments to the City Commission for approval.

Unanimously approved 8-0 approved, with Student Commissioner Shelton voting in favor.

Motioned by Commissioner Finkeldei, seconded by Commissioner Harris, to initiate additional text amendments to at least Articles 4 & 5 to 'clean up' inconsistencies that have been identified by staff through this review. [These are listed on the staff report in the last bullet point under Key Points.]

Unanimously approved 8-0, with Student Commissioner Shelton voting in favor.

ITEM NO. 9 AMENDMENTS TO DEVELOPMENT CODE; NON-GROUND FLOOR DWELLINGS & WORK/LIVE UNITS (SMS)

TA-6-10-09: Consider Text Amendments to various sections of the City of Lawrence Land Development Code to permit the location of non-ground floor dwellings and work/live units in various zoning districts.

ITEM NO. 10 AMENDMENTS TO DEVELOPMENT CODE; MULTI-DWELLING STRUCTURES (SMS)

TA-6-11-09: Consider Text Amendments to various sections of the City of Lawrence Land Development Code for revisions to the standards for multi-dwelling structures in various zoning districts.

STAFF PRESENTATION

Ms. Sheila Stogsdill presented items 9 and 10 together.

Commissioner Finkeldei asked if there have been any applications.

Ms. Stogsdill replied no. She gave the example of the art frame store that used to be near 9th Street and Illinois. It was a single family house that was renovated to be a commercial use. It has been on the market and there have been a few individuals who would like to do something on the first floor that is non residential and live upstairs but they cannot have a living unit in the CS district unless there are three units. She stated there are several other commercially zoned properties that were originally built as homes and have been converted and may be able to utilize this amendment.

PUBLIC HEARING

No public comment.

ACTION TAKEN ON ITEM 9 & 10

Motioned by Commissioner Finkeldei, seconded by Commissioner Hird, to approve the proposed amendments [TA-6-10-09] and [TA-6-11-09] to Sections 20-402, 20-403, 20-517, 20-542 and 20-1701 of Chapter 20, Land Development Code and forward the proposed amendments to the City Commission for approval.

Unanimously approved 8-0, with Student Commissioner Shelton voting in favor.

ITEM NO. 11 AMENDMENTS TO DEVELOPMENT CODE; LANDSCAPE PLANS (SMS)

TA-6-15-09: Consider Text Amendments to Article 10 of the City of Lawrence Land Development Code to amend standards for landscape plans.

STAFF PRESENTATION

Ms. Sheila Stogsdill presented the item.

PUBLIC HEARING

No public comment.

ACTION TAKEN

Motioned by Commissioner Finkeldei, seconded by Commissioner Chaney, to approve the proposed amendment [TA-6-15-09] to Section 20-1001 of Chapter 20, Land Development Code and forward the proposed amendment to the City Commission for approval.

Unanimously approved 8-0, with Student Commissioner Shelton voting in favor.

ITEM NO. 12 AMENDMENTS TO DEVELOPMENT CODE; ENVIRONMENTALLY SENSITIVE AREAS (MKM)

TA-12-27-07: Consider Text Amendments to various sections of the City of Lawrence Land Development Code to revise the Protection Standards for Environmentally Sensitive Areas and to provide more precise definitions. TA-12-27-07 with revisions to Sections 20-1101, 20-1109 & 20-1701 (PC Item 18; approved 7-1-1 on 7/23/08). TA-12-27-07 with revisions to Sections 20-701 and 20-702 to maintain consistency throughout the Code. (PC Item 9; approved 7-0 on 9/24/08) *City Commission sent back to Planning Commission on 2/10/09. Deferred by Planning Commission on 5/18/09.*

Item 12 was deferred prior to the meeting.

PC Minutes 8/24/09

ITEM NO. 13 PLANNING COMMISSION WORKSHOP REPORT (MJL)

Planning Commission workshop report. *Deferred from July Planning Commission.*

Item 13 was deferred prior to the meeting.

PC Minutes 8/24/09

MISCELLANEOUS NEW OR OLD BUSINESS

Receive and amend or reapprove the minutes from the Planning Commission meeting of June 22 & 24, 2009. *(Item 5 conditions of approval were revised.)*

Motioned by Commissioner Harris, seconded by Commissioner Blaser, to reapprove the minutes from the June 22 & 24, 2009 Planning Commission meeting.

Unanimously approved 8-0, with Student Commissioner Shelton voting in favor.

Consideration of any other business to come before the Commission.

Recess at 10:50p.m. until 6:30p.m. on August 26, 2009.

8/26/09 Planning Commission Meeting Notes 6:30PM

Joint Work Session with Historic Resources Commission regarding the Draft Oread Neighborhood Plan

Commissioners in attendance: Greg Moore, Chuck Blaser, Brad Finkeldei, Charlie Dominguez, Lisa Harris, Rick Hird, Hugh Carter, Stan Rasmussen, Ann Marvin and Matt Veatch

Mr. Scott McCullough, Planning Director, provided a brief introduction about the purpose for the joint meeting.

Ms. Lynne Braddock Zollner, Historic Resources Administrator, provided a history of development pattern

- Early plat – parks, ravine (Watson Park), Mount Oread,
- Lawrence unique in that it had a plan – not an ad hoc settlement
- Parks, Oread Avenue laid out on diagonal – connection of North College to expansion area
- Bird's eye view – sparse ... started near river, developed to south
- 1858 – development along Mass and towards Mt Oread
- Bird's eye view from Mt Oread – development near campus was large lots (rural dev)
- Sanborn maps – showed some structures (fire insurance maps – started with commercial areas first to sell ins)
- Some of these maps actually showed number of brick or frame structures in certain blocks
- Last map was in 1927 (updated in 1945)
- Population trends – booms after wars
- Transportation system – trolley went up to the university – business people would live in Oread neighborhood because of trans system that provided way to get to Mass or other business areas
- A number of very large structures but also small structures with significant amount of architectural detail
- Neighborhood is unique because of the diversity of housing developed here – larger lot with infill developed over time – 1880s thru 2009 – eclectic mix
- Examples of several of rehabilitation projects and new construction – setback, massing, bulk are major issues to review

Ms. Michelle Leiningner, Long Range Planner, presented a brief review of comprehensive planning process and purpose for neighborhood plans –

- Review of Hierarchy of Plans – where neighborhood plans fall in overall structure – more detailed
- What the plan does – future land uses, goals & policies, implementation
- Doesn't change zoning when adopted
- Starting with the 1979 Plan – Goals & Policies – stabilize neighborhood
- Mixed density, historical character, student housing, maintenance of existing structures
- Update plans in timely manner – something we are trying to schedule to be reviewed on regular basis
- Existing plan implementation identified downzoning of several areas – a variety of suggestions – some done, some not
- Sidewalk gap/repair program occurring through CDBG funding
- Showed the future land use plan from 1979 plan – pointing out where low-density areas are, high density near campus, medium for majority of rest of neighborhood
- Show current (existing) Land Use Map
- Point out commercial development that is sprinkled through neighborhood – very mixed uses throughout
- Map showing residential density by block – majority medium density
- Commissioner Rasmussen how it was classified
- Calculation based on number of units by block size – Horizon 2020 density ranges (medium is 7 – 15 dwelling units/acres)

- Focus on the Land Use Descriptions (text in plan) – identify the intent with density and anticipated zoning districts with primary uses (housing types)
- Option 1 – first draft in plan
- Option 2 – based on comments heard thus far including recommendations from the 1979 plan – strips out some of the high density, protecting historic districts,
- Map provided from Oread Neighborhood Group that shows proposed zoning (not same as proposed land use or density)
- Review of comments from HRC meeting (provided in paper packet tonight too)
- Comments from previous meetings with stakeholders – also in memo provided
- Potential Implementation Tools – Historic Districts, Conservation Districts (with Overlay Districts & Design Guidelines), Rezoning, Text Amendments (potential changes in code city-wide), Comprehensive Plan amendments

Ms. Zollner –

- Overview of Historic Districts – intent to preserve collection of structures, typical focus on architecture – what are defining characteristics – historic fabric – design review
- Nomination may be made only by application – typically by property owners
- Criteria for historic districts in Chapter 22 of the City Code
- Conservation Districts (Overlay Districts) – community character of the area – what is needed to maintain – lot coverage, setbacks, uses, not focused on preserving existing historic structures (character not fabric)
- Application – typically by property owners
- Conservation Districts are required to have an associated set of design guidelines (not required for historic districts)
- Less criteria – 25 years old, focused on characteristics, at least 5 years
- Hybrid in Lawrence – combination of Historic and Conservation Districts – Downtown and 8th & Penn
- Downtown Design Guidelines are based on the Secretary of the Interior Standards which are what are used for historic district review
- 8th & Penn Guidelines outline different zones – separate historic areas out from those areas that have lost their historic character

Ms. Leininger – Next Steps

Take comments from PC and HRC and review – perhaps back for action in October

Mr. McCullough –

How we have approached this exercise

Greater detail to the block level

Get to the issues – stabilize the neighborhood, is that single-family or reduce boarding houses, more owner-occupancy

Vested rights for existing developments – need to get at some way to allowing those uses while using overlay district(s) to stabilize areas

Area north of stadium – a number of single-family homes, but now zoned duplex – find development tool that zones to less intense use, but maintain existing uses –

Commissioner Harris inquired about keeping uses there – even if non-conforming use is destroyed.

Mr. McCullough replied yes, we may want to change the standard if we want to be able to keep those uses into the future – downzoning may be a hard sell

Commissioner Hird asked if conditional zoning would be another tool.

Mr. McCullough said perhaps, but overlay district may be better --

Neighborhood Group proposed map – focused on the mixed use areas –

Staff Revised Plan shows conventional uses by block – helpful to hear what the owners’ desires are for their properties

Staff asked the Neighborhood Group to develop proposal for what they might want for the area
This proposal shows RM-D to the north, several mixed use areas (not fully compliant with the current code), multi-family areas with single-family to south

Commissioner Carter asked if the University has been involved. Have they been invited?

Ms. Leininger – various groups were on the stakeholders list, housing groups contacted, including our contact through KU Agreement

Ms. Jodie Wente, Oread Neighborhood Coordinator, stated one of the Board members sent letter to the Chancellor’s office

Commissioner Marvin – looking at the University comprehensive plan – now a CLG for their own property. There are a number of properties along the south edge of campus identified

Ms. Sheila Stogsdill, Assistant Planning Director, provided a brief review of KU-City Agreement – additional properties that KU Endowment might purchase must be developed according to the City’s dev code standards

Commissioner Harris – is there any single-family on Group’s plan? Only at south, none at the north – what is the mixed use areas

Commissioner Moore – asked for a brief show of hands for public comment – 4 -5 minutes each

PUBLIC COMMENTS

Mr. Rob Farha, owns the business, The Wheel (tenant in building) – non-conforming use, does have sprinkler system, but want to preserve business investment – reviewed history many businesses along 14th Street – want to protect commercial (bookstore prior to Wheel in 1955) – University Master Plan originally had 14th Street as grand entrance to campus. As part owner of Boarding Houses also concerns about those uses.

Commissioner Carter – more commercial in past?

Mr. Farha – there were several others – he doesn’t want just spot zoning so proposed ‘white’ mixed use area – every parcel in that area is represented by some part of their development groups

Mr. Tim Homburg – worked with Group to create the ‘plan’ – went through bullet points in narrative – critical elements – preserve historic structures & patterns, more owner-occupied homes, remove CBD from this plan now that it has its own district –

Preserve historic structures and allow for reconstruction of exist non-conforming structures – larger structures that might be redeveloped as something other than single-family – would keep mix of housing types – address blight concerns

Historic Patterns and Context – overlay district, recognize different nodes without using blunt tool of downzoning

Using 3-plex infill to replace the aging multi-family structures that were inappropriately inserted in neighborhood – a 3-plex can have more residential feel for streetscape – rebuilding non-conforming uses – maintain mix

Encourage owner-occupancy -- increase percentage of single-family homes in area – changes to code (can’t build SF in RM districts) – change parking standards to one space per occupant –

Revitalization – promote high density housing near campus if parking requirements can be met on-site – environmentally friendly architecture as infill

Commissioner Harris– 3-plexes – because of aesthetics? If duplex could be built that was more appealing, would neighborhood be OK with it?

Commissioner Rasmussen – in making recommendations, did you look at goals set forth in the draft plan? Section 3 – were you trying to fit these to the draft goals?

Mr. Homburg – our proposal should be assimilated into the draft plan

Commissioner Harris - has staff had time to take a look at this to see if it aligns with our goal statements?

Mr. McCullough – generally aligns, they feel that they have a 79 plan that wasn't fully implemented

Mr. Paul Werner – we were trying to be more specific about what Neighborhood Association wanted to see in some of these blocks

Mr. McCullough – we spent first several meetings trying to develop goals – we may need to go back and refine after what we hear tonight

Ms. Candice Davis, Oread Neighborhood Association – main interest is stability in neighborhood – mixed, residential uses – some limited commercial – concerns about large boarding houses and huge duplexes – doesn't make sense is putting 8+ young individuals in one living unit – affects livability of area – Ohio has several on one block – behavior affects ability to keep owner-occupied homes – large duplexes not reasonable on small lots – respect existing massing and size – need year-round residents or it will become a slum

Mr. Farha – what do you do with all the Boarding Houses that we don't know about now – there are many more out there – what will happen – will owners have to kick people out

Ms. Fadila Boumaza – supportive of looking at plans --- broader consideration – some stakeholders that are louder – many owners not represented at meetings – what do we mean by stabilizing neighborhood? Is it unstable now? How do we make sure all owners have equal access? Will bringing families back solve all problems? Plan is very heavy on family-owned houses – please look at this carefully considering the many owners that aren't here.

Commissioner Harris – where should families be?

Ms. Boumaza - Higher density near campus.

Mr. Glenn Skulborstad – lived in neighborhood since 1992 – live near 10th & Illinois – fewer families, when properties sold – go to investors, don't change – he will probably leave, getting tired of parties.

Commissioner Dominguez – do you have other properties?

Mr. Skulborstad - Yes, six other all single-family homes, but rentals

Ms. Beth Myers – 10th & Alabama – need to think what we want in the future 30 years, 100 years from now – want to have nicer properties

Ms. Marci Francisco – lived in neighborhood since 1976 – thanked commissions and staff for all the time and goodwill that has been shared with neighborhood in working with this plan – helped work on the list of objectives – thinks there are parallels with staff's draft goals – 3-plex is more benefit compared to 4-plex and large duplexes – 4-plexes were infill without doors facing the street – understand that changing the zoning is difficult – area requirement for duplex, some lots are larger

and appropriate for duplex, but smaller lots should not be developed that way – neighborhood is a good place to live and a very good place to make money – parking standards may put pressure to develop that way – if standard is less for boarding house than apartment pushes development toward boarding houses – how can we find ways to preserve larger structures but not allow additions to small structures for Boarding Houses – we understand that there is a mix of property owners – many have participated, but there are many out of town landlords – make sure trash areas are provided – trash collection area for every multi-tenant structure even if they aren't needed currently (area should be provided for future dumpster) –

Commissioner Finkeldei – difference between owner-occupancy and single-families – which is goal? Trick or treaters may be renters – is goal to get more owner-occupancy, more families living there, reduce number of students?

Ms. Francisco – many residents started as students and have continued to live there – student-owner in cooperatives – many have purchased properties nearby to control things near – looking for people that are invested in our neighborhood – need to change the impression that this is the student ghetto – drinking laws have been an impact

Commissioner Hird – what is the pressure increase for student housing in the area over time?

Ms. Francisco – will get the stats – fairly stable student population – reduced rooms in dorms with change to suites, changes to number living in RS Districts has affected desire to live here

Ms. Myers – all students have cars now – big change

Commissioner Hird – if you don't provide housing close by, pushes students to fringe – more emissions due to cars – have you addressed transportation as part of plan?

Ms. Francisco – bike plans was part of 79 Plan – not sure that we can look at retaining the historic structures, rather than tearing them down – we are densest neighborhood in city – do we need to add more density here?

Commissioner Rasmussen – what are your goals? Meat of this plan are in Chapters 3 & 4 – what do you want to achieve – policies – implementation steps – hearing a lot of ideas, but not sure he has heard the goals – what are goals from your perspective

Ms. Francisco – preserve historic structures

Commissioner Rasmussen – but he heard stability

Ms. Francisco – 19th century and early 20th century structures – this is what gives the neighborhood the character – replace some of the blighted construction – don't want to keep all the aging 4-plexes – historic pattern & context – Original Townsite Development Standards to address development pressures – encourage owner-occupancy in neighborhood – only about 9% now – establish a reasonable target – benchmark that could add stability – helps to have some neighbors who really live there (put lights on for Halloween)

Commissioner Harris – is there research out there about what percentage is needed to provide stability for owner-occupancy

Commissioner Harris – how does trash work?

Ms. Francisco – dumpster behind property --- back in 80s – City said you needed to pay for dumpster – if 4 kitchens paid for, city put them in – CDBG funds used for pads and screening –

requirement removed from site planning – cans don't always work – not always required an area on a lot, no place for future accommodation – everyone should either have space for trash cans/dumpster, even if not used now – off alley for all areas except 1100 block

Mr. Aaron Paden – Student Housing Coops – supports commercial areas in neighborhood – good mixed use – stability may be in feel of the area, may be occupants who may be owners or renters, some owners have renters in part of property, some students (not ghetto) – coops around country have similar zoning for coops and boarding houses – in Canada, much different – good use for low-income housing – Madison is working to create separate definition – provided definition that explains difference from boarding houses – coops can be answer to problem – investment in neighborhood – tenet of cooperatives is sustainability – students invested in neighborhood – can have conversations with the neighbors – handbook of history – what do we do about cars? Austin car share – will try to start in coops –

Commissioner Rasmussen – said you support commercial areas in neighborhood?

Mr. Paden – don't typically go in The Wheel, but adds character to area – would be nice to have more shops, places to eat, mixed use neighborhoods, fun places to congregate, keep it in pockets but spread out – makes for more enjoyable living

Ms. Carol von Tersch – live in Hancock District – question about students driving – the ones pushed out are riding buses – no place to park on campus –

Commissioner Hird – clarify that it would be helpful to address land use and transportation – does bus go through Oread

CLOSE PUBLIC COMMENT – 8:50PM

Commissioner Carter – empathy for people who have been in neigh for a long time and have seen changes --- important to get a rep from KU involved – how has this changed related to number of students – if only 4 owner-occupied in 1992 – that's along time ago – even if we zone it, can't guarantee that people will want to move in – goal should be to make this a sustainable neighborhood – look at other examples of communities that have done a better job near universities – still needs to be attractive to developer – landlords need to step up to help change behavior – keep Wheel and Hawk protected – maybe more commercial in that area

Commissioner Finkeldei – pleased with staff's plan and Oread's implementation suggestions – key is diversity of residents – protect investments – non-conforming uses are issue – need to use Overlay District – not sure what the goal is – Single Family buildings, % of owners or families, reduce students – not sure what the goal is – Marci said we want people who care about the neighborhood – but that isn't easy to get to --- visual and occupancy mix – when we get to implementation phase need to solve parking problem – 20 years ago they all didn't bring cars, but will they bring them 20 years from now – don't want to increase parking for occupants in coop – Single Family structure can affect parking numbers more than coop – need to address it with a parking permit system (Harvard – 12 unit apt with only 7 street spaces) – consider enforcement mechanisms (budget issue) – dedicated enforcement officer for this neighborhood – dedicate police personnel – to address some of social issues – like some of the group's suggestions

Commissioner Rasmussen - G&P sections are really important – encourage good look at that – what is vision for 30 years out – coffee shops, restaurants, mixed use – look at these hard – is it preserving historic structures – word student is not used in these goals – need goal about promoting responsible student living/housing – walkable, multiple transportation options, -- these goals will drive it

Commissioner Hird – preservation of historic structures seems to be dominant & universal goal – conservation district can help with – encourage residents to take ownership/being invested in neighborhood – encompasses the social issues (trash, drinking, partying) – take ownership no matter what your reason for living there -- goal for mixed use – surprised that there wasn't more opposition – maintain Wheel and Hawk, but could be more commercial uses --- what is missing is analysis of transportation – highly congested area – how can we get buses through and get students out to shopping areas without cars – parking shouldn't just focus on units – maybe permit system – commend staff and Neighborhood Association for efforts

Commissioner Harris – term stability – need more definition (or find other) – and then how to get there – 20% is not high enough goal – some communities have had University-Overlay Districts with relaxed standards – value in maintaining historic structures – should be owners or responsible tenants – not sure that larger structures for Boarding Houses, may not be good for the interiors – quality of life – like Brad's ideas (parking and dedicated code enforcement officer) – Austin has University-Overlay – Boulder – nuisance ordinance (educational – how to throw a good party for students)

Commissioner Moore – Brad's comments – out of box, good solution (parking) agreed with

Commissioner Rasmussen – look hard at goals – transportation system improvement – overlay district is important

Commissioner Marvin – Overlay District is also very labor intensive to draft guidelines – if trying to streamline Historic Resources Commission, Overlay Districts may not be best tool – Local Register is Overlay Zoning – Concern about complexity --- been on HRC since 2002, there has been a lot of streamlining since then – object to that in plan – what could be improved is how all city regulations all overlap

Commissioner Veatch – Ms. Zollner says that 80% of Historic Resources Commission applications are approved administratively – Overlay Districts can be cumbersome, but when Design Guidelines are included it does help system

Commissioner Marvin -- Guidelines do not automatically include protection for historic structures -- must be written in

Commissioner Dominguez – live at edge of Oread – students do add lively interest – important to keep property owner rights in mind – better landlord regulations to keep property maintenance a priority – better ways to educate the students about living in neighborhood –

Commissioner Veatch – have struggled with Boarding House issues – Section of Intent Guidelines – have not been able to deny the large building additions – if plan can address the setbacks and size of those additions would be helpful to Historic Resources Commission

Commissioner Carter – Boulder is a good example, their solutions came from much worse situation – want to see more Best Practices

Commissioner Veatch – 1912 there were 1700 students (but no student housing)

Ms. Francisco – student housing not built on campus until 1935

Commissioner Moore – like Option 2 a lot more

Mr. McCullough – careful balance between historic preservation and revitalization – good portion of area may redevelop – need to articulate the goals more closely –

Commissioner Marvin – disagree with Scott's implication that there is inherent conflict

Mr. McCullough – just need to understand that some areas, may conflict with historic preservation guidelines (but may address other community goals)

Commissioner Carter – so in mixed use areas, we might see different

Commissioner Dominguez – are you concerned about what kind of businesses in the mixed use areas – would market be open for other uses we might not want in area – if you turn it into mixed use, it won't be neighborhoods

Ms. Leininger – conditional zoning can help limit

Mr. McCullough – next steps – staff will bring back a report on Goals, Policies and Implementation steps – may be other things to look at such as Rental Registration programs, impact of outlying apartment complexes, etc

Commissioner Moore – thank all for interest and input

Adjourn at 9:45PM