

# Memorandum

## City of Lawrence

### Planning & Development Services

**TO: Planning Commission**

**FROM: Scott McCullough, Director**

**Date: For December 16, 2009 Planning Commission Meeting**

**RE: Boarding House Text Amendment Update – TA-6-17-09**

On August 24, 2009 and October 26, 2009 the Planning Commission considered language revising the Lawrence Development Code as it relates to Boarding Houses. After the October 26<sup>th</sup> vote to defer the item for additional concept development, staff arranged a stakeholder meeting with Oread Neighborhood Association representatives and several Boarding House owners, as well as Paul Werner, an architect who has been an applicant for many such houses in the Oread neighborhood. The group also included three PC members – Greg Moore, Brad Finkeldei, and Stan Rasmussen and was attended by a total of 16 staff, PC members and stakeholders.

The group listed pros and cons of boarding houses as noted:

Positive Impacts of Boarding Houses (summarized from meeting and not in any prioritized order)

1. A viable way to preserve historic, especially large, structures.
2. Increases property valuation for city and school district.
3. Creates efficient density.
4. Aids in bringing structures up to higher levels of safety through meeting building and fire codes.
5. Improvements to the exterior of structures reduce blight and the potential for demolition by neglect.
6. Reflects, in some instances, the historic use of structures as many structures in the Oread neighborhood have been used for congregate living during their life.
7. Provides efficient housing for students.
8. Promotes walkability.
9. Viewed as being a better alternative than apartment structures.
10. Provides for a communal lifestyle.
11. Provides an efficient way to lease property to students.
12. There appears to be demand for this type of housing.

Negative Impacts of Boarding Houses (summarized from meeting and not in any prioritized order)

1. In some instances, structures have been significantly enlarged and this has been viewed as being out of character with the established pattern of development in the Oread neighborhood.
2. The communal lifestyle can include the potential for houses to turn into large "party houses" and some homes are leased to members of fraternities or sororities apparently for this purpose.
3. The communal lifestyle can lend itself to misbehavior by residents – trash, noise, partying, trespassing, etc.
4. Some boarding houses are operated by neglectful landlords and the structures suffer from lack of maintenance and resident accountability.
5. Boarding houses tend to add to an already problematic parking issue, though it was recognized that boarding houses are not the main contributors to the Oread neighborhood's parking problems.
6. Boarding houses along Tennessee and Kentucky may have an unsafe parking situation by needing to cross these major routes of travel.
7. Most, if not all, boarding houses are rental properties and improper care can degrade the character of an area.
8. The Development Code seems to encourage boarding houses over other types of multi-family structures based on parking standards (less parking required for boarding houses than for apartments).

Staff believes the Development Code can only address a few of the negative impacts cited – significant structure enlargements, trash areas on the site, and parking standards. The attached revised language centers on addressing these and earlier cited elements of boarding houses. A brief discussion follows on each of these items.

#### Structure enlargements

The entire group agreed that significant structure enlargements were out of character with the Oread neighborhood and was of the opinion that most boarding houses can be viable without significant expansions. However, it was recognized that some amount of expansion ability is necessary for various reasons and that if justified, an owner could seek a variance to permit greater expansion than the code would provide.

The proposed language attempts to encourage, mainly through parking standards, the rehabilitation of existing structures versus the demolition and construction of a new Congregate Living structure. New structures can be expected, however, and it is assumed that such structures will be more cohesively designed compared to the significant additions recently constructed on some boarding houses.

#### Trash

Trash is a significant issue for the Oread neighborhood, but is not limited to boarding houses alone. In any event, staff is of the opinion that any project that has the potential to house more residents than a single-family home or duplex should designate an area to house trash receptacles or dumpsters on site. In the older areas of Lawrence

where alley dumpsters are predominate this will mean that every boarding house property will need to at least provide an area for a dumpster. It may not be used during certain times of its life, but it will provide the city the opportunity to use it if needed. The language clarifies this for boarding house uses.

## Parking

There was discussion that the Oread Neighborhood finds the most value in preserving large historic structures and recognition that larger houses may not need as high of a parking ratio than smaller houses. One of the conflicts in older areas of the city is that large structures were constructed on relatively small lots and parking area on these lots is limited. The revised language aims at providing a reasonable parking ratio that benefits existing larger structures and to create incentives to address the needs of areas like the Oread neighborhood to preserve housing stock and maintain the neighborhood's character.

## Conclusion

The amendments do not address the remaining impacts noted above associated with this type of use. Oread Neighborhood Association representatives and city staff have worked to address some of the impacts – accelerated trash abatement, discussions on expanding the city's rental registration program, historic surveys, etc. These efforts should continue as most find value in their effectiveness to maintain the Oread and other established neighborhoods as livable, high quality neighborhoods.

The revised proposed language aims at addressing the noted impacts without requiring a special use process. Time will tell if the amendments fulfill the desired outcome and the city should continue to work on other programs to address non-code related impacts.