

PC Minutes 12/16/09

ITEM NO. 4 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." *Deferred from 10/26/09 Planning Commission.*

STAFF PRESENTATION

Mr. Scott McCullough presented the item.

Commissioner Harris asked how will the changes address the concerns about the behavior of the students.

Mr. McCullough said the Development Code is limited by what it can do. Other programs already in place can address those, such as the police. The Development Code is not going to address those issues but a little bit can be done with design, such as outdoor decks being limited in size.

PUBLIC HEARING

Ms. Carol von Tersch, Oread neighborhood resident for about 30 years, said she is getting tired of discussing these issues and the efforts don't seem to produce any outcomes. She felt the Development Code can address some behavioral issues of tenants by not encouraging boarding houses.

Ms. Candice Davis, lives in Oread neighborhood, met and discussed recent issues in December. She said she was outnumbered in the meeting because there were 3 Oread neighborhood association representatives and 6 boarding house people. She mentioned a memo from Linda Finger from 2004.

Mr. Zachary Stoltenberg, architectural student and designer of 928 Ohio Street, discussed the pro and con issues raised. Positives and negatives can apply to multiple residence types. He said the staff memo is not going to fix any of the issues raised.

Ms. Gwen Klingenberg, president of Lawrence Neighborhood Association, was concerned about parking. The more rooms allowed the more parking will be taken up on the street.

Mr. David Holroyd discussed walkability of the neighborhood. He felt that CDBG funds should go to sidewalks instead of neighborhood coordinators.

Mr. Tom Harper expressed concern about increased density.

Ms. Serena Hearn she decreased the density of the boarding homes she owns, gave example of 1121 Ohio where they took a 9 apartment house to a boarding house with 12 occupants. Many houses built with more than 4 bedrooms. She discussed income based appraisals.

Mr. Tom Devlin, Crimson Properties, commented on the increased value. He discussed the amount of parking. He said it's not a boarding house problem that causes parking issues, it's a university problem. It's a student behavioral problem and should not be addressed in the Development Code. Ordinances through the police is how issues should be handled.

Mr. Rob Farha, Crimson Properties, discussed parking.

Ms. Debbie Milks, 945 Ohio, discussed parking issues. She felt that the cost to enforce a parking permit system was unlikely to work.

Mr. Jim O'Malley gave Old West Lawrence Association support for the Oread Neighborhood Association. Boarding houses should be limited with parking.

Ms. Marci Francisco, 1101 Ohio Street, said that boarding houses were not the only way to renovate structures. As the number of occupants goes up, property value goes up. She said parking needed to be addressed in the Code. Shouldn't favor one type over other development, but realize large structures should be saved.

Ms. Jeanne Pees, president of Sunset Hills Association, supports the Oread Neighborhood Association. She said she knew what it was like to live near an area with parking and noise issues.

Mr. Tony Backus, property owner in the Oread neighborhood, has invested 4 million dollars in 10 years.

Commissioner Harris asked how to address problem issues after the fact.

Mr. Backus said possibly permit parking.

Ms. Fadila Boumaza, owner of 928 & 930 Ohio Street, said it is not about money versus value because nobody buys a house to lose money. Every property is assessed by its merit. We look at properties for what they can offer to students. We need to figure out a way to meet everyone's needs. She said that a majority of concerns were emotionally based and there are rules to address those. She felt there was more work to be done with the text amendment.

Mr. Jeff Hatfield said he was willing to identify a resident manager.

Commissioner Carter asked Mr. Hatfield if he attends the neighborhood association meetings.

Mr. Hatfield said Mr. Farha attends them sometimes.

Mr. Devlin, Crimson Properties, showed a slideshow of the boarding houses from before and after they fixed them up.

Mr. Kyle Thompson, agreed that the boarding houses look nice but he is concerned that more people can come in and convert smaller houses into boarding houses and not do the same nice work.

Mr. John Pultz, 937 Ohio Street, said he likes his neighborhood but that it is also a very fragile neighborhood. Students living in groups make more noise and their behavior is different. As the housing options go down it becomes more exclusively undergraduate, making it harder for families, professionals, and grad students to live in the neighborhood.

COMMISSION DISCUSSION

Commissioner Finkeldei asked how staff came up with 20%.

Mr. McCullough said staff did some rough exercises on how to get different sizes of structures. The Development Code uses 20% for thresholds. Wanted it to be large enough to be meaningful but not so much to double the size.

Commissioner Finkeldei inquired about unlivable space.

Mr. McCullough said an example would be a basement that is not finished.

Commissioner Harris inquired about parking with the overlay district.

Mr. McCullough said the Development Code would have as its standard for parking one space per bedroom. Through the future overlay zoning exercise that standard can be revised. This condition doesn't necessarily exist in the Oread neighborhood alone.

Commissioner Harris shared information she received from the police department today regarding numbers on police calls to boarding houses.

Commissioner Carter said it is tough to draw too much from the information because they could have more vigilant neighbors that call the police more often. Student housing in general probably gets calls. He expressed concern about failing on blight and behavior. He said they need to protect current owners and their investments but going forward boarding houses need to be limited. HE suggested tax incentives as a great idea to encourage improvements and parking permit program that could generate funds for better enforcement.

Commissioner Hird felt it was a complicated issue. 90% of the issues have to do with behavior. He thought the list Commissioner Harris brought was helpful. He wondered how the bars affected the police numbers since the houses with the most calls are near the Hawk and The Wheel. He felt that these were law enforcement issues, not land Development Code issues. Property owners have the right to expect enforcement. He did not believe the parking issues in the Oread neighborhood are due to just boarding houses. He wondered how to stimulate investment in these old structures and preserve the historic element of these neighborhoods. He would favor a parking permit program but did not know who would fund it or enforce it. He said he appreciated all the comments made but did not know how this will solve all the issues.

Commissioner Singleton said nobody was suggesting that boarding houses are the sole cause of all the issues. She said she did not like the direction that the text amendment took from October to now. She felt that boarding houses are aimed at a certain demographic and felt they should require a Special Use Permit and have an onsite manager. She would like one parking spot per person in boarding houses and that it is a city wide issue, not just the Oread neighborhood. She said she would rather see diversity with apartments and single family homes around campus.

Commissioner Finkeldei disagreed with Commissioner Singleton and felt they were moving in the right direction. New construction has stricter parking requirements. When it comes to converting existing structures we want to encourage that. He said that when a Special Use Permit is put on a piece of property you cannot get the financing needed. He said he would not support a Special Use Permit for boarding houses. He said he would like to see City Commission to direct David Corliss to talk to Chief Olin to put more officers in the Oread neighborhood more often. He would also like more resources through Development Services be put into dealing with blight. He did think the overlay districts will be a place to attack certain issues. He did not think this is the place to address parking. He is not sure that a parking permit system is a good idea. He hoped City Commission can take steps to solve other issues that cannot be addressed in a land use document.

Mr. McCullough put on the overhead next to the police numbers how many occupants live in each house.

Ms. Boumaza said that some of the addresses were duplexes not boarding houses during the time period.

Commissioner Harris agreed with Commissioner Singleton but not sure about requiring Special Use Permits across the board. She suggested limiting the number of boarding houses and only in certain areas that make sense but did not know how to accomplish that without a Special Use Permit.

Commissioner Rasmussen said this process was started back in May and they didn't have much, now they have some proposed language that defines congregate living, set standards for limiting expansion of structures, site plan approval, limiting parking based on bedrooms, and limiting it for 1 space per bedroom on new construction. He thought it was all an improvement from where it started but that this is not a solution to other issues going on in the Oread neighborhood. He did not see boarding houses as the only problem that is contributing to issues in the Oread neighborhood. He thought this was a great start but could be improved through the Oread Plan process.

Commissioner Blaser said an onsite manager would be beneficial.

Commissioner Moore liked the one parking space per bedroom for new construction and the uncovered deck areas to 20 square feet. He said they cannot address all the issues right now but this is a good start.

ACTION TAKEN

Motioned by Commissioner Finkeldei, seconded by Commissioner Carter, to approve Text Amendment TA-6-17-09 to various sections of the City of Lawrence Land Development Code to review standards related to "Boarding House" and forward to City Commission.

Commissioner Harris said she will vote against the motion because it does not go far enough to spread boarding houses apart.

Motion carried 6-2, with Commissioners Harris and Singleton voting in opposition. Student Commissioner Shelton voted in favor.