

From: Paul Werner [mailto:paulw@paulwernerarchitects.com]

Sent: Sunday, October 25, 2009 10:25 AM

To: Denny Ewert (Brown)

Subject: Boarding house comments...

Please forward to the appropriate Planner and the PC if that is the process;

Boarding Houses Item 7;

A few thoughts on the item;

I am concerned for the owners of the current Boarding houses which have ben completed recently and meeting all of the development code guidelines. I am curious as to how these properties will be addressed. It seems a little unfair to change the rules on them and make all of these non-conforming. The investment is substantial as you are all aware, but more importantly my worry is that it would be hard for the existing LEGAL structure to conform to the new guidelines.

I think there is more that can be done as far as protecting the existing Legal boarding houses.

I also thinks it's important to point out that while some opponents of boarding houses point out the need for variances, that it is these variances that due in fact help save the structures. These variances are granted through a board, with a public hearing and while there is concern from some opponents there is clearly a group of people that also find it valuable that these structures are saved.

Trash: the one benefit of the boarding house is they are actually site planed. Vs. any SF or duplex structures and certainly any of the non-conforming structures that exist. We offered to provide dumpsters in the alleys, would then be maintained by the owners of the boarding house; with the caveat that this would not count against them for a parking space. The problem with the dumpsters in the alley is there are not enough legal structures to provide the dumpsters and maintain them.. so while this does not help with the parking problems it does address a significant problem in regards to the trash.

I apologize I cannot be the PC meeting.

Hope this information is helpful.. Please feel free to contact my office with any questions or concerns
Paul

Paul Werner

Paul Werner Architects

123 W 8th, Suite B2

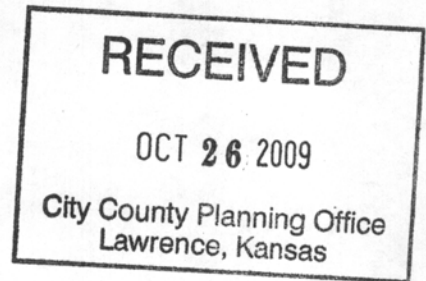
Lawrence, Kansas 66044

(785) 832-0804

(785) 832-0890 fax

League of Women Voters of Lawrence-Douglas County
P.O. Box 1072, Lawrence, Kansas 66044

October 25, 2009



Mr. Greg Moore, Chairman
Members
Lawrence-Douglas County Planning Commission
City Hall
Lawrence, Kansas 66044

RE: ITEM 7: TEXT AMENDMENT TO CHAPTER 20 DEVELOPMENT CODE (SDM)

Dear Chairman Moore and Planning Commissioners:

The League of Women Voters of Lawrence-Douglas County is in support of the proposed changes to create the new category of "Congregate Living" to replace the Boarding House designation. We believe that the requirements for 1 parking space per occupant and identification of a trash area on the site plan are appropriate for a use that allows for more occupants than the four per dwelling unit that would otherwise be allowed in multiple-family zoned districts.

We do recommend changes to the proposed definition of the general term "Congregate Living":

"A Dwelling ~~or part thereof~~ that contains *five or more* sleeping units where residents share bathing rooms and/or kitchen facilities and where lodging is provided for compensation for ~~(1) or more~~ persons, *who are* not transient guests. Congregate Living is commonly referred to as a lodging house, boarding house, rooming house, or cooperative but is not typically considered a Dormitory, fraternity or sorority house, Assisted Living, Extended Care Facility, Group Home, or similar group living use."

We suggest eliminating "or part thereof" because we believe that this use would work best within separate dwelling structures.

We suggest adding "five or more" and eliminating "(1) or more" so that there is no confusion that other houses in a multifamily area be required to have site plan approval since they would otherwise meet the proposed definition for Congregate Living.

We are suggesting "bathing room" should be plural.

We also believe it would be helpful to identify how this change will affect properties that currently have the boarding house designation.

Thank you for your work and for your consideration of this issue.

Sincerely yours,

Milton Scott
Vice President

Alan Black, Chairman
Land Use Committee

LWV10-25-09pcLTR33

From: Kyle Thompson [mailto:kthompson@sunflower.com]
Sent: Sunday, October 25, 2009 8:01 PM
To: Michelle Leininger
Subject: ONA Response to Boarding House text amendment

October 25, 2009

Members of the Lawrence-Douglas County Planning Commission:

I am Kyle Thompson, President of the Oread Neighborhood Association. We appreciate the interest and work from the Planning Commissions and staff regarding the issue of boarding houses and believe that the proposals being made for the new Congregate Living designation will be helpful in our neighborhood and throughout Lawrence.

The staff report refers to testimony presented at the August 24th Planning Commission meeting that permitting Boarding Houses in structures 4,000 square feet or larger might aid in preserving larger older structure in the neighborhood. We want to emphasize that we were suggesting the size for structures that are currently this size and do not believe it is appropriate to expand smaller historic buildings for this use. The data that was presented on boarding houses does not include information about the sizes of the structures before any expansion for the boarding house use.

We appreciate the suggestions for change that would require a site plan for the Congregate Living use, and that there would be requirements for one parking space per occupant and for a trash (and hopefully also recycling) area designated on the plan. We appreciate the limit of no more than six occupants without a special use permit although this will mean an increase from the current limit of four unrelated occupants and will mean that we may be attending more meetings when the special use permits are up for review.

We appreciate the standard that "Uncovered decks and patios located on the side or rear of the Congregate Living structure shall be limited to fifteen (15) square feet of area per occupant" but would suggest that the wording "on the side or rear" be eliminated as we would not like to see large decks constructed on the front of a structure.

We also appreciate the standard that "A trash receptacle area compliant with this code and with policies established by the Solid Waste Division of the City shall be designated on the site plan to accommodate waste generated by the residents." The second sentence, "Sharing trash receptacle areas with other properties shall not be permitted" may be confusing because dumpsters in the neighborhood are often shared use. Perhaps it could be stated "The area shall be used for trash collection when deemed necessary by the Solid Waste Division."

Finally we believe that the definition for Congregate Living should be written so that it applies to free standing structures and not "a part thereof" and that it is clear that this is different from a dwelling unit that is a single-family house or dwelling units in an apartment building.

Thank you for your time and consideration of this issue.

Kyle Thompson, President
Oread Neighborhood Association

-----Original Message-----

From: Shane.Munsch@icl-pplp.com [mailto:Shane.Munsch@icl-pplp.com]

Sent: Monday, October 26, 2009 2:26 PM

To: gmoore@kellerappraisal.com; bradfink@stevensbrand.com;

hugh.carter@ubs.com; lharris@ku.edu; cblaser@sunflower.com;

grant@dgcounty.com; rhird@pihhlawyers.com; thomasjennings@hotmail.com;

jeff@chaney-inc.com; dennis.lawson@frontierfarmcredit.com

Subject: Amendments to Development Code: Boarding House

Commissioners:

It has come to my attention that you will be considering some text amendments to the Development Code regarding boarding houses. As an owner

of numerous properties in the Oread area, none of which are boarding houses, I would like to offer the following comments;

- ~84% of the Oread Neighborhood is student housing/investment property and not owner-occupied (source: Draft Oread Neighborhood Plan)

- The local economy depends on the investment property industry as it provides jobs and significant tax revenues

- Current City planning and development ordinances are already overly complicated and burdensome

- More restrictive codes, as being proposed, will further restrict property use and continue to devalue properties

- A history of down-zoning (i.e. RD to RM32) has already eliminated options available to property owners

- More restrictions will result in more non-conforming properties

- At recent Oread Neighborhood Plan meetings, participants expressed opposition to more restrictive parking standards and down-zoning by a

5

- to 1 margin

- Although a public process is being utilized, most investment property owners are unaware of the changes that have or may soon take place

There are numerous issues that have been and are being created as a result

of efforts to "sanitize" neighborhoods. As more restrictions are added to

the books, property owners are able to do less with their properties.

Each

time we add another layer of requirements, we move further away from

so-called conformity. Much of this makes absolutely no sense to me.

How

can we continue to impose more restrictions that cannot be complied with?

How does the City plan on addressing the thousands of rental properties that do not conform to the tenant limit requirements? Why did we impose the limit requirements in the first place? What is a property owner with a

5, 6, 7 or more bedroom rental house purchased ten years ago supposed to do

when the rules change and require him to reduce the number of tenants to 3

or 4? Mortgages, taxes, insurance and payments do not adjust with changing

use regulations. What happens is that property owners are forced to make

adjustments in their budgets, often resulting in reduced property maintenance. Eliminating yet another acceptable use (boarding house) further complicates the issue. If I understand the issue, if the boarding

house use is eliminated, there is no legal means which would allow for 4 or

more unrelated individuals to reside at any property regardless of zoning

(excluding fraternities and sororities which was a use we lost in the last

down-zoning).

I am sorry, but I am not able to attend tonight's meeting as I have committed myself recently to coach a youth basketball team. As you can see, I have more questions than answers. When making your decision regarding this and future actions affecting investment properties, I would

ask that you consider my comments and take into account the impacts it has

on one of Lawrence's few tax-paying industries.

Sincerely,

Shane Munsch

