

Memorandum

City of Lawrence

Planning & Development Services

TO: Planning Commission

FROM: Scott McCullough, Director

CC: Lynne Braddock Zollner, Historic Resources Administrator

Date: For May 2010 PC Meeting

RE: TA-7-20-09 - Written Interpretations, Appeals of Administrative Decisions, and Adaptive Reuse Development Code Revisions

The Planning Commission reviewed TA-7-20-09 at their August 24, 2009 regular meeting and deferred the item in order to submit the code sections related to Adaptive Reuse to the Historic Resources Commission (HRC) for input. The HRC reviewed language related to Section 20-501 of the Development Code at their January 21, 2010 and April 15, 2010 regular meetings. After discussion, as noted in this memo, the HRC recommended approval of the proposal at their April 15, 2010 meeting with the support of representatives of the Old West Lawrence neighborhood association.

Summary of HRC process

At the HRC's direction, Staff met with representatives of the Old West Lawrence (OWL) neighborhood on March 4, 2010. OWL's main desire was to have the code restrict the use of Adaptive Reuse to a very narrow degree in OWL, which also affects its use city-wide in Single Dwelling Residential districts. The proposed language limits Adaptive Reuse in single-dwelling districts except where a structure was originally constructed for a non-single-family use and when same structure is not converting from Detached Dwelling to Adaptive Reuse. The language removes access to a process that affords an owner the ability to request any use in even a large structure in a single-dwelling residential zoning district unless it was originally built and used for non-residential purposes.

History has demonstrated that the Adaptive Reuse process has not been widely used and there has not, until the initiation of the text amendment to fix a minor wording matter, been public outcry to "fix" the code or narrow its scope. Staff's first reaction to OWL's request for reducing Adaptive Reuse in Single Dwelling districts was that it is too restrictive. However, a review of the permitted uses in these zoning districts yields that many of the uses that would be appropriate for a historic structure – house museum, bed and breakfast, private dining – are permitted via special use currently and, in any event, the ability to request rezoning of property exists for owners to change to a use

not permitted in the Single Dwelling districts. Therefore, staff believes the proposed language to limit its use in Single Dwelling districts is appropriate. The Multi Dwelling districts and non-residential districts remain more flexible in their potential use of Adaptive Reuse.

At the August 24, 2009 Planning Commission meeting, staff accepted a revision to Section 20-1310 Written Interpretations that was presented by the League of Women Voters of Lawrence-Douglas County. The comment was to provide a timeframe by which the Planning Director must render a written interpretation once an application was made. The language has been revised to reflect the comment. The amendment is being returned to the PC for a recommendation in order to forward the amendment to the City Commission for their consideration.

Action Requested: Move to recommend approval of TA-7-20-09 and forward to the City Commission for their consideration.

Attach: May 2010 proposed language
April 15, 2010 HRC packet
April 15, 2010 HRC minutes
January 21, 2010 HRC packet
January 21, 2010 HRC minutes
August 24, 2009 PC minutes
August 24, 2009 PC staff report
Communications