

PC Minutes 1/27/10

**ITEM NO. 10     COMPREHENSIVE PLAN AMENDMENT TO CHAPTER 14 (MJL)**

**CPA-2-1-09:** Consider a Comprehensive Plan Amendment to Chapter 14 – Specific Plans to approve and incorporate by reference the Oread Neighborhood Plan.

**STAFF PRESENTATION**

Ex parte:

Commissioner Carter said he had a brief conversation at the ribbon cutting of the Oread Hotel with a few members of the Oread Neighborhood Association about the Oread Plan.

Commissioner Hird said he had a telephone conversation with Mr. Steve Watts about the function of the Planning Commission in developing the Oread Neighborhood Plan.

Ms. Michelle Leininger presented the item. She reviewed the timeline, changes to the December draft, and changes to maps.

Commissioner Harris asked if staff reviewed the Lawrence Preservation Alliance and Oread Neighborhood Association suggestions. She inquired about any other suggestions besides the Historic Resources Commission recommendations.

Commissioner Rasmussen asked if staff reviewed the recent comments from Ms. Marci Francisco.

Ms. Leininger said she reviewed all comments.

**PUBLIC HEARING**

Ms. Candice Davis read a story that she wrote called "Once Upon a Time in Your Neighborhood." The story was about neighborhood issues such as parking, trash, blight, and college parties. She believed more work should be done on the plan. She suggested under the inappropriate neighborhood behavior adding a fourth action to limit or eliminate congregate living in the Oread neighborhood.

Ms. Carol von Tersch, lives in the Snow house, said the Oread Neighborhood Association tried to listen to the Planning Commission direction and focus on goals. She felt the primary goal was to focus on different types of housing. The second goal would be historic preservation. She said the plan, as proposed, is contradicting because there is a text amendment moving forward for congregate living. She predicted that in 10 years, every owner occupied structure or single family structure in the neighborhood will be congregate living with this text amendment. She said the cost of this will be borne by the taxpayers across the community because there will be additional law enforcement and city utilities needed.

Mr. Kyle Thompson, Oread Neighborhood President, said financial incentives will encourage more boarding houses. He felt the Text Amendment contradicts the plan and undercuts the goals of the plan.

Mr. Tony Backus clarified police call statistics at 1300 Ohio Street. He said it was not just for the house, it also included the intersection and that a majority of the calls were for the intersection, not the house. 1121 Ohio was listed as having 19 calls. He said those calls were related to traffic accidents, burglary, medical emergency, parking tows, suspicious activity, etc, and that the police department has to associate an address with every call even if it is just in the area. He said the Oread neighborhood was blighted much worse when he was younger and that it has never looked

better. Expressed concern about schools closing and families not wanting to move to a neighborhood without a school.

Ms. Serena Hearn displayed a book about the history of co-ops and group living. She said there was a long history of this type of housing with young women as "house mothers." She said the Oread neighborhood has always been mixed use and asked the Commission not to get 'historic amnesia' about what the Oread neighborhood was and is.

Mr. Rob Farha, Crimson Properties, reiterated that they want to protect what they currently own in the Oread neighborhood.

Ms. Marci Francisco, 1101 Ohio St, went over the points in the letter submitted by the Oread Neighborhood Association. Suggested changes for the overlay districts: lot size, limiting the size of building additions, alley access is important, suggested wording changes for history of Neighborhood Association, parking clarification, and minor edits.

Commissioner Carter had a question about a suggested edit on the Neighborhood Association regarding grants.

Ms. Francisco said before the neighborhood received CDBG funds they had a federal program for crime prevention that started before the CDBG grants.

Commissioner Finkeldei inquired about land use implementation strategies and how it would allow rebuilding of a single-family home if destroyed.

Ms. Francisco said the question of how to protect investment is to maintain a mix of housing types.

Ms. Fadila Boumaza, owner of 928 & 930 Ohio Street, felt the rights of the property owners should weigh equally. She said the best she can do is carefully select tenants but cannot discriminate. She said she is working on an exercise of mapping owner occupied versus rental. She said she takes exception to people continually saying "encourage owner occupied single-family houses."

Mr. David Holroyd, 1224 Louisiana St, gave the history of the area. He said a majority of the 1200 block of Louisiana was rental and most had 'families that rented out rooms.' He said it was a myth that there have been traditional families with children.

## **COMMISSION DISCUSSION**

Ms. Leininger said staff would not have strong objection to any of the suggestions from the Oread Neighborhood Association.

Mr. McCullough said the letter from Lawrence Preservation Alliance was discussed by the Historic Resources Commission and staff agrees with the Historic Resources Commission recommendations. There was discussion about the down zoning issues which was one of their comments. Through the overlay districts some of the goals can be achieved without down zoning property and taking away development rights of that form. For various reasons the Historic Resources Commission did not accept that proposed change on the plan.

Commissioner Harris asked for further explanation of down zoning versus overlay district.

Mr. McCullough said overlay zoning process will involve looking at such things as height, coverage, setback, character defining elements, etc. He said staff are not likely to strip away any uses and

cannot add any uses in overlay districts. He said overlay districts are a future implementation. He said for example down zoning from RM to a Single-Family district would probably not be politically palatable. Having the ability to get at the character through overlay districts is appropriate.

Commissioner Harris asked if it would result in the goal of providing 'diversity of people' in the neighborhood.

Mr. McCullough said he did not know if it would or not. He said all through the process a major stakeholder group, the students, have not been present and they are the vast majority of people in the area.

Commissioner Moore said he liked Ms. Francisco's suggestions. He asked if Mr. Dennis Brown was present at Historic Resources Commission.

Mr. McCullough said that was correct.

Commissioner Carter also agreed with Ms. Francisco's suggestions. He appreciated recommendations being suggested. I thought the text amendment was critical. He felt there should be wording in the neighborhood plan that clarifies the ability to rebuild.

Commissioner Finkeldei agreed that maybe the language could be cleaned up regarding the rebuilding issue for single-family.

Mr. McCullough said implementation would come through the Development Code text amendments. He said rebuilding non-conforming structures is on our radar, but that the issue is bigger than just this plan.

Commissioner Finkeldei agreed they should incorporate Ms. Francisco's suggested changes.

Suggested wording change to Table 43-1:

Review the Land Development Code:

- regarding boarding houses to address neighborhood concerns while maintaining boarding houses as ~~a feasible option~~ *one of many options* for owners and students. ~~to ensure that the parking requirements are appropriate, limit the number of bedrooms and occupancy in a boarding house to a reduced limit.~~ [Land Use]

Commissioner Finkeldei said he would also support something similar to what Candice Davis suggested in 3.8 adding a #4 that discourages proliferation of Boarding Houses. He said this is just the first step and that there is still lots of work ahead but that the plan needs to move along so that the Implementation Steps get in front of City Commission. They can direct the Police Department for more resources.

Commissioner Moore agreed with those suggestions.

Commissioner Finkeldei also wanted to be sure that under the Action table the wording was changed to reflect text changes.

Support the expansion of the rental registration and inspection program ~~to include all rental units in the city that are 50 years or older.~~ [Neighborhood Atmosphere]

Commissioner Rasmussen said regarding the Implementation Action Items that the university should be more involved. He suggested that it be an action item to try to get them more involved somehow.

Mr. McCullough said today they met with University of Kansas officials to revisit the land use agreement. He said staff has attempted to involve them in the process and they have not been very engaged in it. He said they could add another general action item to maintain and encourage more collaboration.

Commissioner Rasmussen said if a parking permit program was instituted or restrictions associated with game day activities might get their attention. He said he would like to see an action item that specifically says to get the University engaged in some of the long term planning in this area and thinking about how they can be involved. He said this plan will have more opportunities for discussion. He said regarding language that discourages the proliferation of boarding houses why not say discourage the proliferation of apartments and rental units of any type. He said he would be okay with approving tonight to move it forward. He said on the Future Land Use Map 4-1 there was not a downtown commercial center shown so it should be removed from the legend.

Ms. Leininger said that was one of staff's recommendations.

Commissioner Carter agreed with trying to get the university more involved.

Commissioner Hird expressed concern about down zoning. He said that Boarding Houses can be one of the harmonized mixed uses. He encouraged mixed use rather than 'discouraging proliferation of one type.' He discussed the police call information and said the issue with behavior is an issue for the neighborhood but he didn't know it could be solved.

Commissioner Harris said she was not ready to vote on the plan because she did not think the plan really addresses having owner occupants in the neighborhood. She felt the actions do not get to doing that, but rather more of a hope. She was not convinced that the steps will get what they want. She was not convinced that Planning Commission and the community are really invested in goals of the plan when it comes to owner occupants in the neighborhood.

Commissioner Finkeldei agreed with the difference between plans and actions. He said they will not know until they start working on the overlay districts. He said he would like to move the plan forward to the next step. He said language in section 3.8E4 regarding inappropriate residential behavior that negatively impacts the neighborhood was not put in the land use section. He said he would not put that statement in the land use section.

Commissioner Carter stated if any language is included to discourage boarding houses it should also include other things such as apartments.

Commissioner Rasmussen said he would like to see the Implementation Steps cross-referenced with Goals.

Ms. Leininger explained how the Implementation Table presents the Goals and Action Steps.

Commissioner Finkeldei said it would be helpful to include the number from Goals and Policies.

Commissioner Harris inquired about encouraging owner occupied.

Mr. McCullough referred them to the Existing Land Use Map. It is a mixed use area. He stated ownership cannot be mandated. The plan addresses mass and structure type. The overlay district in RM12D, north of the stadium, might keep those structures in a place where it is not a high density area where it might be conducive to turning back into owner occupied uses.

Commissioner Harris discussed one of the communications that talked about incentives for people to own and live in the neighborhood. She said that might be something to look at. The plan says that we need diversity of different kinds of people and owner occupied and families because they bring safety and a sense of community. She said she was not sure Planning Commission or staff really believe that is possible.

Commissioner Moore said the resources to do it are limited. He said he would not support down zoning. He stated the overlay districts are one way to achieve it.

Commissioner Hird said the goal of providing owner occupied residents in the neighborhood is tied to stability. What kind of an action step could be put with that goal when the choices are down zoning or not.

Commissioner Harris said there could be language in the plan for incentives to own and live in their homes in the Oread Neighborhood.

Commissioner Carter said if they are addressing the issues of quality of life in the neighborhood related to parking, trash, etc, and combining that with the overlay districts to encourage the mixed use, the market could potentially see the stabilization and slowing of the owner occupied leaving the neighborhood. He did not think they would be able to put anything in the plan to force the issue of owner occupied housing without some potentially negative unintended consequences. He did not necessarily think they could put a plan together here that will cause more owner occupied to come back into the neighborhood. He would like to see the neighborhood improve and stop the proliferation of boarding houses. He was in support of the overlay districts.

Commissioner Hird asked if it was within their practice to put something in this plan that says Planning Commission recommends City Commission consider tax abatement for people willing to move into the area and be owner occupied. He wondered if Planning Commission could make recommendations in the plan for that type of policy change.

Mr. McCullough said they cannot discount this plan supports a rental registration program and that it is calling for greater police presence. Those things are outside of land use but are programs that can and should be supported that can go a long way in stabilizing the neighborhood. One of Lawrence Preservation Alliance's comments was to implement neighborhood revitalization plans. Planning Commission can set up the framework but not identify specific programs. He said Planning Commission could pass along to City Commission to encourage owner occupied the city should explore programs/incentives such as '\_\_\_\_\_', and include any suggestions they would like.

Commissioner Hird said tax abatements can give incentive to move there and he was not opposed to language that will give incentive for that change.

Commissioner Moore said under section 3.4.2 B1 talks about Neighborhood Revitalization and that might be an appropriate place to add in language such as percentage of property taxes for rehabilitation and also pursue financial incentives for owner occupants.

Commissioner Finkeldei suggested language under the Land Use section as an action item 'explore the use of incentive options to encourage owner occupancy.'

#### **ACTION TAKEN**

Motioned by Commissioner Finkeldei, seconded by Commissioner Carter, to adopt with the following:

- as written with staff changes
- including Historic Resources Commission recommendations
- including Ms. Marci Francisco's suggested changes
- including wording change to the Action table to reflect text changes.
- including language for two new action items; one related to tax incentives to owner occupancy and the second related to the involvement of the University of Kansas
- in the Implementation Schedule, make reference as to which Implementation strategy the action refers to.

Unanimously approved 7-0, with Commissioner Singleton abstaining. Student Commissioner Shelton voted in favor.

Motioned by Commissioner Finkeldei, seconded by Commissioner Carter, to authorize the chair to sign PC Resolution PCR-1-1-10 regarding this CPA.

Unanimously approved 7-0, with Commissioner Singleton abstaining. Student Commissioner Shelton voted in favor.