

Lawrence Preservation Alliance

P.O. BOX 1073 • LAWRENCE, KANSAS 66044

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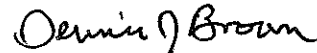
9-19-10

Mixed Use Rezoning

City Commissioners:

LPA is in favor of anything that will protect the Hawk and the Wheel in the event they were to lose their current structures. Beyond that, we are reluctant to believe the applicant's assertion that this is all this agenda item is about, and no redevelopment is in the works. Quaint reminisces of barber shops, bistros and corner stores might not be the type of commercial for all these primary development zones that the property owners have in mind. Just as you registered disappointment with the lack of detail regarding the Hobby Lobby component of the recent CID proposal, you need to get more specifics from this applicant. You also need to direct staff to give you a detailed evaluation of what the commercial component of this mixed use could ~~could~~ really entail.

Dennis J Brown



president

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SEP 20 2010

CITY MANAGERS OFFICE
LAWRENCE, KS



Lawrence
Preservation
Alliance

22 August 2010

Mr. Charles Blaser, Chairman, and Members
Lawrence-Douglas County Planning Commission
City Hall
Lawrence, Kansas 66044

RE: ITEM NO. 9: RM32 TO MU

Dear Chairman Blaser and Planning Commissioners:

I am supportive of measures to allow the preservation of the commercial uses at 14th and Ohio, but after seeing the proposal for the rezoning of these properties to an MU district I am not convinced that this is the best way to allow for the continuation of those uses.

Rezoning to MU would allow, and encourage, redevelopment beyond the current uses. The statement of purpose for this zoning is to permit a variety of land uses together in one structure, saying that "Development in the Mixed Use District shall include both residential and nonresidential uses." The current pattern of development is one of adjacent rather than combined uses.

I note that for Item No. 11, the text amendment for boarding houses, there is a call to "Direct staff with regard to initiating a text amendment to review the standards of Article 15 related to non-conforming structures." Consideration should be given to addressing the commercial area at 14th and Ohio as part of a change to these standards for non-conforming uses rather than adopt zoning to encourage redevelopment.

An argument for this change in zoning is that it would be consistent with the draft for changes to the neighborhood plan. At the very least I would hope that the planning commission would defer this matter until the new plan is adopted. If not, the commission is allowing for redevelopment of this area without statements also supporting the continuation of preservation of the existing housing stock and mixed use in the neighborhood.

Thank you for your work for our community and your consideration of my comments.

marci francisco

1101 Ohio
Lawrence, Kansas 66044

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

August 22, 2010

Mr. Charles Blaser, Chairman
Members
Lawrence-Douglas County Planning Commission
City Hall
Lawrence, Kansas 66044

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AUG 23 2010

City County Planning Office
Lawrence, Kansas

RE: ITEMS NO. 9A, 9B, 9C, 9D, AND 9G REZONING TO MU DISTRICT PRIMARY

Dear Chairman Blaser and Planning Commissioners:

We note that the size of the original application for an MU Primary Zone has been reduced to those five lots that include and are adjacent to the existing commercial areas—the Wheel and the Hawk. We thank the planning staff for effecting this change. However, we have some major concerns about the MU District itself, and some suggestions on how it should be revised and implemented. It is important in the Oread Neighborhood not to create incentives to favor one housing type over another. For example, the planners must be careful not to encourage redevelopment over rehabilitation and preservation when codes are written and policies adopted for this

1. The open-ended criteria for locating the MU Districts are too loose. Almost any area in Lawrence could qualify including most of the Oread Neighborhood. The criteria should be made more specific and less inclusive.
2. A requirement in the code to conform to the area plan in advance of rezoning should be added. Although the not-yet-adopted Oread Plan identifies the 14th Street area as a Mixed Use area, the MU District does not require that this designation in an area plan be a criterion. For this reason, applying the MU District to one area in the Oread Neighborhood creates the same effect as spot zoning; that is, granting this one privilege justifies the same for all. The Oread Neighborhood is unique in that almost all areas in it would qualify for an MU District, defeating the purpose of encouraging preservation of the historical structures, the small-lot scale, and variety in housing types and residents. One requirement should be that the MU District is specifically recommended for a site in an area plan.
3. The SUP that accompanies the MU District for some non-conforming uses should not be so “automatic” that it does not require a public hearing. Any use that requires a SUP should be subject to allowing conditions, and this is especially the case when the experience of a neighborhood indicates the need.
4. Site planning or some form of graphic indication of plans should accompany the rezoning hearings. There should be a commitment as to how the proposal is to be developed.

We hope that you will consider these suggestions as you review this ordinance and its first major application.

Sincerely yours,

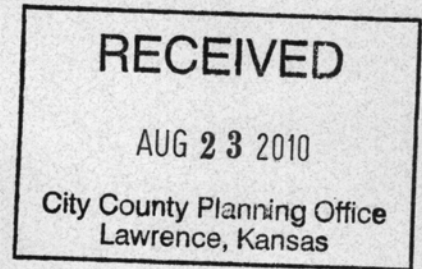
Milton Scott
Vice President

Alan Black

Alan Black, Chairman
Land Use Committee

August 22, 2010

Lawrence – Douglas County Metropolitan Planning Commission
City Hall
6 East 6th Street
Lawrence, KS 66004



Dear Commissioners:

I am writing in reference to Items numbered 9A, 9B, 9C, 9D, and 9G on your Agenda, the requests for rezoning five parcels in the Oread Neighborhood from RM32 to Mixed Use Zoning.

This rezoning request arises out of discussions which occurred among residents and property owners in the neighborhood regarding the Oread Neighborhood Plan. In these discussions, which occurred more than a year ago, MU zoning was identified as one possibility that would give the owners of the Hawk and the Wheel protection from the loss of their businesses in the event of a catastrophic fire or other calamity. The Neighborhood Plan was drafted in a way as to give these businesses protection from loss and also give the neighborhood protection from extensive commercial development through the use of overlay districts.

The passage of the Neighborhood Plan has stalled but this rezoning request is advancing. I am very concerned that passage of the rezoning request will ultimately expand commercial use throughout the neighborhood because there is no up-to-date plan to guide development.

I urge you to ask the Planning Staff to find another way to provide security for the Hawk and the Wheel, and delay any zoning changes in the neighborhood until the Oread Neighborhood Plan is adopted. If you open the door to rezoning Oread without a Plan, you may be causing the commercialization of Oread.

Thank you for your consideration and for your service to the community.

Sincerely,

Carol von Tersch
706 West 12th Street

From: McClure, Kirk [mailto:mcclure@ku.edu]
Sent: Friday, August 13, 2010 2:58 PM
To: Scott McCullough
Subject: RE: Items 9 and 10 on the Planning Commission Agenda

Scott –
Thanks for the note and the clarification.

As I understand it, there are two issues.

First, should the Hawk and the Wheel become conforming uses? My guess is that these two bars are such institutions in the neighborhood, that there will be little problem with that, but I will talk to some of the Oread homeowners to get their feelings.

Second, should other buildings in close proximity be permitted uses other than residential? My guess is that this will all depend upon the uses themselves. If it is a return to the type of commercial shops that existed in this neighborhood in the 1950s and 1960 (e.g.: café, barbershop, clothing, small grocery, etc.) there would be little objection. If the mixed use designation simply becomes a mechanism to develop additional sources of nuisance (e.g.: more bars, live music venues, etc.), then I am sure that the homeowners of the Oread Neighborhood will, with good reason, object.

I am happy for this discussion to be entered into the public comments, but I expect a more detail set of comments to follow.

All the best,

Kirk McClure
Professor
Department of Urban Planning
University of Kansas
1465 Jayhawk Blvd., 317 Marvin Hall
Lawrence, Kansas 66045-7614
Voice telephone: (785) 864-3888
Electronic mail: mcclure@ku.edu

From: Scott McCullough [mailto:smccullough@ci.lawrence.ks.us]
Sent: Friday, August 13, 2010 2:10 PM
To: McClure, Kirk
Subject: RE: Items 9 and 10 on the Planning Commission Agenda

Re: Item 9: There are no development plans conceived currently. The request stems from discussions about the MU district being able to “legalize” The Hawk and The Wheel. The other properties are requested, as I understand it, in order to set them up for future redevelopment that would be in compliance with the draft Oread Neighborhood Plan. Throughout the planning process for the Oread plan, there has been unanimity on this area as appropriate for mixed use development or redevelopment. It would bring back some commercial elements to the area.

Please let me know if you wish this discussion to be included as public comment and I will post to the PC packet.

Scott McCullough, Director - smccullough@ci.lawrence.ks.us
Planning and Development Services | www.lawrenceks.org
City Hall, 6 E. 6th Street
P.O. Box 708, Lawrence, KS 66044-0708
office (785) 832-3154 | fax (785) 832-3160

From: McClure, Kirk [mailto:mcclure@ku.edu]
Sent: Friday, August 13, 2010 8:54 AM
To: Scott McCullough
Subject: RE: Items 9 and 10 on the Planning Commission Agenda

Scott –
Thanks for the note.

Re: [Item 10: Unlimited density](#) in the RM32 district if all other code standards.

I think this is an idea that may work. The trend seems to be running toward smaller units, i.e.: one-bedroom and studio units. The homeowners in the Oread are concerned about parking (too many cars trying to squeeze into the neighborhood) and behavior (noise, trash, crime, etc.)

Re: [Item 9: Mixed Use](#)

Suspicion is running high on this. The notion of mixed-use is of a walkable neighborhood that combines residential, commercial and office space. With the problems of boarding houses turning into party houses and new urbanism turning into drive-through strip mall stores, these developers do not have much credibility. What kind of redevelopment is planned? As you can imagine, it is hard for the public to comment on this item until they know what is planned?

All the best,

Kirk McClure
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Electronic mail: mcclure@ku.edu

From: Scott McCullough [mailto:smccullough@ci.lawrence.ks.us]
Sent: Wednesday, August 11, 2010 8:41 PM
To: McClure, Kirk
Cc: Michelle Leininger
Subject: RE: Items 9 and 10 on the Planning Commission Agenda

Professor,

The partial packet posted earlier was done so because some of the items were deferred from July and we had reports complete. We also wanted the PC and public additional time to begin reviewing what is a large PC packet. The other reports, noted below, will be posted early to mid next week, which is our typical practice and so the public will have the normal period of time to review the materials.

To address your specific questions, prior to the reports being posted, I can offer the following:

Item 9 - This is a request for MU zoning by several different owners within one defined area. It includes The Hawk and The Wheel which, if approved, would maintain their bar use as a grandfathered SUP. It also includes the south frontage of 14th Street between Ohio and Tennessee (existing apts). While the entire requested district could be redeveloped, there are no immediate plans to do so and no site plans submitted to redevelop any of the properties. The MU district requires mixing commercial and residential uses. Bars are allowed via SUP.

Item 10 - This is a request to permit unlimited density in the RM32 district if all other code standards (height, parking, setback, lot coverage, open space, etc) are met. The concept being that if the standards are met and parking is provided, then the land use impact of increased density, which is based on calculating dwelling units and bedrooms, may

be minimal. Paul Werner is attempting to demonstrate that a density of 32, 4-bedroom units is equivalent to a density of, say, 62, 2 bedroom units. He argues that a bedroom equivalent should be considered if all other standards are held equal. Staff will be outlining the concepts and options for the PC and we will not be seeking action most likely on this item. There will be implications in the Oread and other areas where RM32 exists.

I hope this begins to answer your questions. The full packets should be available next Tuesday or Wednesday.

Scott

From: McClure, Kirk [mcclure@ku.edu]
Sent: Wednesday, August 11, 2010 4:09 PM
To: Scott McCullough
Subject: Items 9 and 10 on the Planning Commission Agenda

Scott –

I have some questions on items 9 and 10 on the upcoming Planning Commission agenda. The items are listed in detail below.

Unfortunately, the packet does not have any backup material in it yet. It is very hard for the public to have meaningful input at the public hearing with no information.

While we all support the concept of mixed-use, we are concerned with its abuse. We have learned the hard way that “Boarding Houses” and “Adaptive Resuse” can simply become a source of nuisance.

What are the uses intended for the properties listed in item 9?

Will these include any bars, taverns, or even food service that includes alcohol?

What are the implications of the increased density proposed in item 10?

When will the public be able to see more on Paul Werner’s submission and on the proposed text amendment?

Thanks.

All the best,

ITEM NO. 9A RM32 TO MU; .13 ACRES; 502 W 14TH ST (MJL)

Z-11-21-09: Consider a request to rezone approximately .13 acres from RM32 (Multi-Dwelling Residential) to MU (Mixed Use), located at 502 West 14th Street. Submitted by Paul Werner Architects, for Oread Villas, LLC, property owner of record.

ITEM NO. 9B RM32 TO MU; .05 ACRES; 414 W 14TH ST (MJL)

Z-11-22-09: Consider a request to rezone approximately .05 acres from RM32 (Multi-Dwelling Residential) to MU (Mixed Use), located at 414 West 14th Street. Submitted by Paul Werner Architects, for D & D Rentals of Lawrence, LLC, property owner of record.

ITEM NO. 9C RM32 TO MU; .09 ACRES; 1346 OHIO ST (MJL)

Z-11-23-09: Consider a request to rezone approximately .09 acres from RM32 (Multi-Dwelling Residential) to MU (Mixed Use), located at 1346 Ohio Street. Submitted by Paul Werner Architects, for D & D Rentals of Lawrence, LLC, property owner of record.

ITEM NO. 9D RM32 TO MU; .13 ACRES; 1340-1342 OHIO ST (MJL)

Z-11-24-09: Consider a request to rezone approximately .13 acres from RM32 (Multi-Dwelling Residential) to MU (Mixed Use), located at 1340-1342 Ohio Street. Submitted by Paul Werner

Architects, for HDD of Lawrence, LLC, property owner of record.

ITEM NO. 9E RM32 TO MU; .23 ACRES; 1403 TENNESSEE ST (MJL)

Z-11-25-09: Consider a request to rezone approximately .23 acres from RM32 (Multi-Dwelling Residential) to MU (Mixed Use), located at 1403 Tennessee Street. Submitted by Paul Werner Architects, for DJC Holdings, LLC, property owner of record.

ITEM NO. 9F RM32 TO MU; .14 ACRES; 1400 OHIO ST (MJL)

Z-11-26-09: Consider a request to rezone approximately .14 acres from RM32 (Multi-Dwelling Residential) to MU (Mixed Use), located at 1400 Ohio Street. Submitted by Paul Werner Architects, for Wakarusa Partners, property owner of record.

ITEM NO. 9G RM32 TO MU; .13 ACRES; 507 W 14TH ST (MJL)

Z-11-27-09: Consider a request to rezone approximately .13 acres from RM32 (Multi-Dwelling Residential) to MU (Mixed Use), located at 507 West 14th Street. Submitted by Paul Werner Architects, for John C. Wooden, property owner of record.

ITEM NO. 9H RM32 TO MU; .29 ACRES; 413 W 14TH ST (MJL)

Z-11-28-09: Consider a request to rezone approximately .29 acres from RM32 (Multi-Dwelling Residential) to MU (Mixed Use), located at 413 West 14th Street. Submitted by Paul Werner Architects, for Douglas J. Compton, property owner of record.

**ITEM NO. 10 TEXT AMENDMENT TO CITY OF LAWRENCE DEVELOPMENT; CHP 20
ARTICLE 6; RM32 DISTRICT (MJL)**

TA-6-8-10: Consider Text Amendments to the City of Lawrence Land Development Code, Chapter 20, Article 6, Section 20-601 to increase the maximum dwelling units per acre limit in the RM32 (Multi-Dwelling Residential) District. Initiated by City Commission on 7/13/10.

Kirk McClure

Professor

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