

PLANNING COMMISSION REPORT
Regular Agenda -- Public Hearing Item

PC Staff Report
12/13/10

ITEM NO. 3 TEXT AMENDMENT TO CITY OF LAWRENCE DEVELOPMENT CODE; RM32 DISTRICT (MJL)

TA-6-8-10: Consider Text Amendments to the City of Lawrence Land Development Code, Chapter 20, related to the density and development standards in the RM32 (Multi-Dwelling Residential) District including potentially increasing the maximum dwelling units per acre limit in that district. *Initiated by City Commission on 7/13/10.*

RECOMMENDATION: Staff Recommendation

Staff recommends approval of the amendment to Section 20-601(a) of the Land Development Code to add a footnote to the RM32 District to calculate density and minimum outdoor area for Multi-Dwelling Structures as .5 dwelling units per acre for studio, 1 and 2 bedroom units and 3 bedroom and higher as 1 dwelling unit.

Reason for Request: Current RM zoning has no incentives to help the community achieve one of the goals of the Lawrence/Douglas County Comprehensive Land Use Plan; to encourage redevelopment and development of infill property. We would like to propose that the cap currently on the existing RM32 be removed to allow for increased density provided that all the other restrictions of the RM32 zoning be met under 20-601. [Paul Werner Architects initiation letter to CC dated June 15, 2010]

RELEVANT GOLDEN FACTOR:

- This proposal is generally in conformance with the comprehensive plan providing the opportunity to create a mix of residential types, styles and economic levels in the city.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- Communication from Kirk McClure (8/13/10; 11/1/10)
- Communication from Stan Hernly (10/7/10)
- Communication from the Lawrence Preservation Alliance (9/19/10; 11/28/10)
- Communication from Joe Bickford and Marci Francisco (8/22/10)
- Communication from League of Women Voters (8/23/10; 10/25/10)

OVERVIEW OF PROPOSED AMENDMENT

The RM32 District is the densest residential district in the Code, permitting 32 dwelling units per acre. The City Commission initiated consideration of a request which to eliminate the maximum dwelling unit per acre cap, only in the RM 32 District, when all other Development Code requirements are met. Below is a summary of the other requirements that would need to be met:

- Density and Dimensional Standards
 - Minimum lot area: 6,000 square feet
 - Minimum lot width: 50'
 - Minimum lot frontage: 50'
 - Minimum setbacks:

- Front: 25
- Side exterior: 25' when abutting an interior side lot line, 10' when abutting a rear lot line
- Side interior: 5'
- Rear: 20' single frontage, 25' double frontage
- Maximum building coverage 60% (applies only to lots platted after the effective date or any improvements which increase the building coverage or impervious coverage.)
- Maximum impervious cover 80% (applies only to lots platted after the effective date or any improvements which increase the impervious coverage or building coverage)
- Minimum outdoor area per dwelling: 50 square feet
- Minimum outdoor area dimensions per dwelling: 5'
- Maximum building height: 45' (approx 4-5 stories)
- Parking (multi-dwelling structure)
 - Vehicle parking: 1/bedroom + 1/10 units
 - Bicycle parking: 1/4 auto spaces
 - Auto parking dimensions (stalls, drive aisles)
- Landscaping
 - Parking lot landscaping (interior and perimeter)
 - Bufferyards
 - Screening of dumpsters and mechanical equipment
- Balconies on a multi-dwelling unit building
 - Balconies above the second story of a multi-dwelling unit building are prohibited along the exterior of a RM development unless the building setback is increased to at least double the required minimum setback and landscaping is enhanced with two or more of the following features: a minimum 4' berm, a solid screening fence (6' minimum height) or a masonry wall (6' minimum height). This provision shall apply only to those exterior sides of a Planned Development that are adjacent to RS zoning or to detached Dwelling Units.
- Photometric Plan (lighting plan)
- Sidewalks along public streets

One of the issues the applicant has presented is related to how the zoning regulations calculate density. The code defines a dwelling unit by the presence of a kitchen and does not differentiate between a 1-bedroom unit and a 4-bedroom unit. Therefore depending on configuration, the same building mass could include equal numbers of bedrooms but significantly different dwelling unit counts which affects calculated density. Staff recognizes the community need for 1 and 2-bedroom units as well as 4-bedroom units. An argument can be made that if the total number of bedroom are contained in the same building form (regulated by setbacks, height, parking, bufferyards, and outdoor space) the total number of units is not relevant.

CONFORMANCE WITH THE COMPREHENSIVE PLAN

This change is generally in conformance with the comprehensive plan by giving the opportunity to create a mix of residential types, styles and economic levels in the city.

CRITERIA FOR REVIEW AND DECISION-MAKING

Section 20-1302(f) provides review and decision-making criteria on proposed text amendments. It states that review bodies shall consider at least the following factors:

1) Whether the proposed text amendment corrects an error or inconsistency in the Development Code or meets the challenge of a changing condition; and

Applicant Response

No

Staff Response

Over the past few years there have been many discussions supporting higher density development and building up and not out (infill vs. sprawl). This change would support this development perspective regarding increasing density in the highest intensity multi-family district and facilitating the potential for infill development at a higher density while meeting all other requirements in the code. With the adoption of the SmartCode, the community has shown support for higher density development.

However, the proposed change may arguably increase pressure to consolidate lots in the Oread Neighborhood to provide larger properties for redevelopment. This could result in significantly larger structures within a neighborhood which could change the streetscape and historic character defining patterns of small structures with yards between.

2) Whether the proposed text amendment is consistent with the Comprehensive Plan and the stated purpose of this Development Code (Sec. 20-104).

Applicant Response

Horizon 2020 encourages the redevelopment and development of infill property. This revision will encourage redevelopment of the old apartment structure on RM32 zoned areas, with more modern and energy efficient 1 and 2-bedroom apartments.

The intent of the code is to provide higher density housing close to the University of Kansas and near downtown.

Staff Response

Horizon 2020 supports a mix of housing types and densities in addition to the SmartCode concepts of higher density development and a mixing of uses. Such a change may create pressure to demolish existing housing stock in favor of property consolidation but this pressure arguably exist today and is somewhat regulated by Historic Preservation. This amendment may pit redevelopment goals against preservation and neighborhood character goals.

Staff Discussion

Staff has reviewed the discussion from the October 27th PC meeting and has drafted text to address the issue in a simpler way. The issue really came down to the way density is calculated based on a dwelling unit and not to the number of bedrooms. Discussion from the applicant was that if you can maintain the number of bedrooms and people, then the number of dwelling units shouldn't matter. Staff and the PC have discussed various options for this text amendment. Staff has looked at density bonuses and this direction became very complicated and offered minimal predictability for development. The Oread overlay districts were discussed as an option to address the issue but the overlay districts are a project that is not funded for the coming year (will most likely require a consultant) and will take a considerable amount of time to complete. The creation of a new, higher density multi-family residential district is a direction that can be taken, however staff believes that it warrants public discussion regarding whether this is a policy direction that the city in general would like to take.

Staff believes that the proposed change in how certain types of units within a multi-dwelling structure are calculated in the RM32 District is a way to address the equivalency of the number of overall bedrooms in a multi-dwelling structure versus the number of dwelling units. Staff supports a change to provide flexibility in the RM32 District which is primarily near the KU campus. This change is not suggested in all RM Districts at this time.

Staff recommends adding a footnote to the residential density and dimensional table to allow, only in the RM32 District, the ability to calculate studio, 1 and 2 bedroom units as .5 dwelling units and 3 bedrooms and larger apartments to count as 1 dwelling unit. The outdoor area per unit would be calculated in the same manner. Parking calculations would not be affected and will remain at a rate of bedrooms and total units.

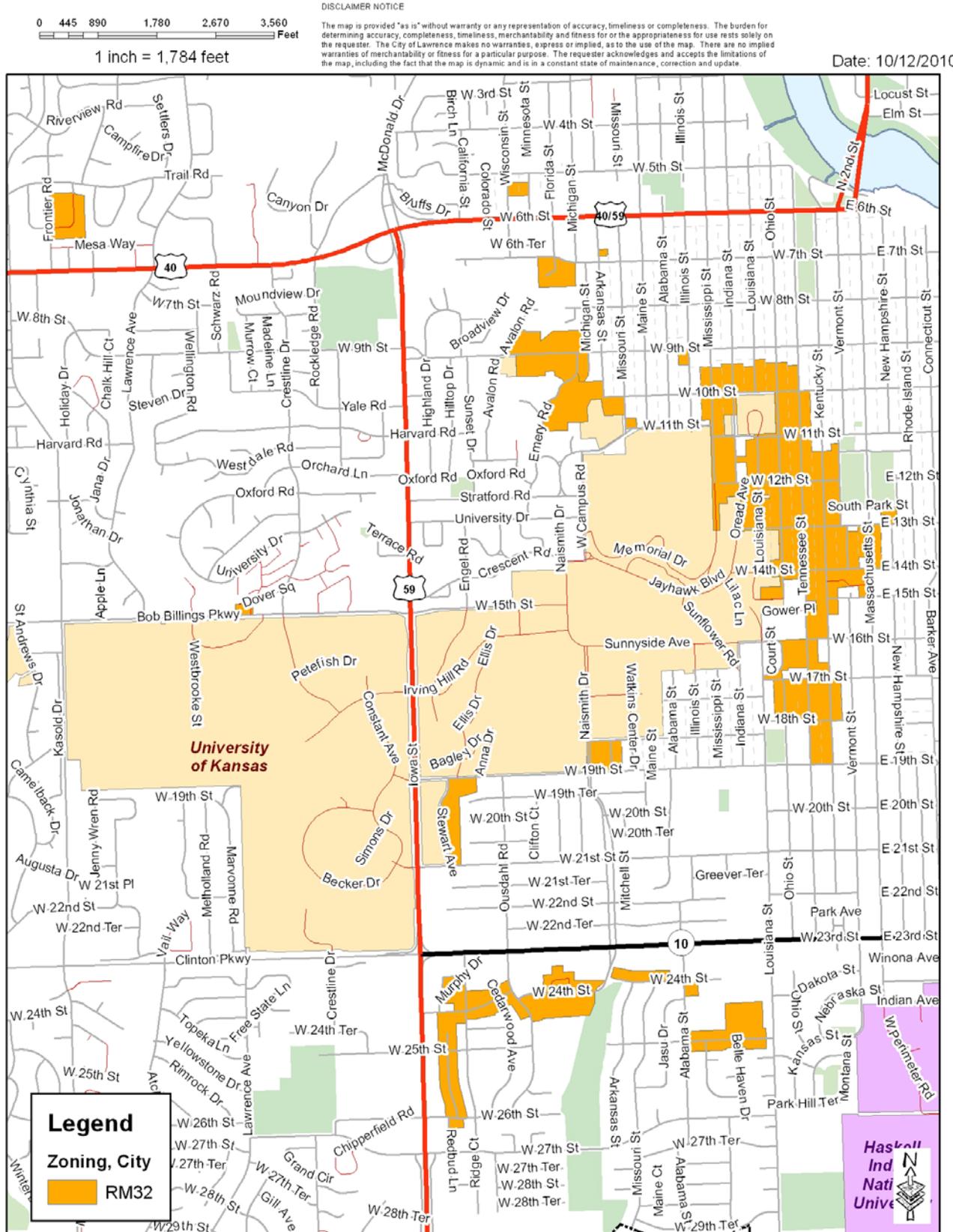
Below is a comparison table for two scenarios to demonstrate how this text change could work. The scenario constant is the RM32 District zoning and the proposal is to develop with a multi-dwelling structure with the maximum number of dwelling units permitted. These scenarios are theoretical since the maximums may not be attainable on every site.

Lot Size	Maximum Dwelling Unit Count	Total Dwelling Unit Count	Calculated Dwelling Units (.5 for studio, 1 and 2 br	Bedroom Count	Calculated Outdoor Area Requirement 50sf/ dwelling unit	No. of Parking Spaces Required (1/br + 1/10 dwelling units)
1 acre	32	32 (4 bedroom units)	32	32 units * 4 br/unit = 128	50 * 32 = 1,600 sq ft	132
1 acre [with TA]	32	64 (2 bedroom units)	.5 * 64 = 32	64 units * 2 = 128	50 * 32 = 1,600 sq ft	135
100' X 117' (two standard 50' X 117' Original Townsite lots in Oread)	8	8 (4 bedroom units)	8	8 units * 4 br/unit = 32	50 * 8 = 400 sq ft	33
100' X 117' (two standard 50' X 117' Original Townsite lots in Oread) [with TA]	8	16 (2 bedroom units)	.5 * 16 = 8	16 units * 2 = 32	50 * 8 = 400 sq ft	34

Staff Recommendation

Staff recommends approval of the amendment to Section 20-601(a) of the Land Development Code to add a footnote to the RM32 District to calculate density and minimum outdoor area for Multi-Dwelling Structures as .5 dwelling units per acre for studio, 1 and 2 bedroom units and 3 bedroom and higher as 1 dwelling unit.

- Map shows all RM32 Districts



DRAFT CODE TEXT

Changes noted in **red and highlight**

20-601 DENSITY AND DIMENSIONAL STANDARDS

(a) **Residential Districts**

Unless otherwise expressly stated, all development in R Districts shall comply with the **Density** and Dimensional Standards of the following table:

Standard	RS40	RS20	RS10	RS7	RS5	RS3	RSO	RM12/ RM12D [6]	RM15	RMO	RM24	RM32	RMG
Min. Lot Area (sq. ft.)	40,000	20,000	10,000	7,000	5,000	3,000	5,000	6,000	6,000	5,000	6,000	6,000	10,000
Min. Lot Area per Dwelling Unit (sq.ft.)	40,000	20,000	10,000	7,000	5,000	3,000	--	--	--	--	--	--	--
Max. Dwelling Units per acre	--	--	--	--	--	--	15	12	15	22	24	32 [7]	1
Min. Lot Width (ft.)	150	100	70	60	40	25	50	60	60	50	50	50	50
Min. Lot Frontage	40	40	40	40	40	25	40	60	60	40	50	50	50
Min. Setbacks (ft.):													
Front [5]	25	25	25	25	20	15 [1]	25	25	25	25	25	25	25
Side (Exterior) [2][5]	25/25	25/20	25/15	25/10	20/10	15/10	25/10	25/10	25/10	25/10	25/10	25/10	25/10
Side (Interior) [5]	20	20	10	5	5	5	5	5	5	5	5	5	5
Rear [3][5]	30/35	30/35	30/25	30/25	20/25	20/25	20/25	20/25	25/25	20/25	20/25	20/25	20/25
Max. Bldg. Cover (% of site)	15 [4]	30 [4]	40 [4]	45 [4]	50 [4]	50 [4]	50 [4]	50 [4]	50 [4]	50 [4]	50 [4]	60 [4]	60 [4]
Max. Impervious Cover (% of site)	25 [4]	50 [4]	70 [4]	70 [4]	75 [4]	75 [4]	75 [4]	75[4]	75 [4]	75[4]	75[4]	80[4]	80[4]
Min. Outdoor Area (per Dwelling):													
Area (sq. ft.)	None	None	None	None	240	150	None	50	50	50	50	50 [7]	None
Dimensions (ft.)	N/A	N/A	N/A	N/A	12	10	N/A	5	5	5	5	5	NA
Max. Height (ft.)	35	35	35	35	35	35	35	35	45	45	45	45	35[4]

- [1] Minimum garage entrance Setback = 20 feet
- [2] First number represents minimum Exterior Side Setback when subject Lot is adjacent to an abutting interior Side Lot Line. Second number represents minimum Exterior Side Setback when subject Lot is adjacent to an abutting Rear Lot Line.
- [3] First number represents minimum Rear Setback for Single Frontage Lot. Second number represents minimum Rear Setback for double Frontage (or through) Lot.
- [4] Applies only to Lots platted after the Effective Date or any improvements on a property after the Effective Date which increase the Building coverage or impervious coverage.
- [5] Additional Setback restrictions apply to properties developed adjacent to RS zoned properties where expressly required elsewhere in the Development Code.
- [6] Density and Dimensional Standards for the RM12D District are the same as those for the RM12 District.
- [7] For Multi-Dwelling Structures in the RM32 District, Dwelling Unit per acre shall be calculated as follows: studio, 1 bedroom and 2 bedroom units count as .5 Dwelling Units, and 3 or more bedroom units count as 1 Dwelling Unit. Minimum outdoor area shall be met based on the total calculated Dwelling Unit count.