

Bobbie Walthall

To: David L. Corliss
Subject: RE: Text Amendment TA-6-17-09

From: Katherine Logan [mailto:logan.katherine@gmail.com]
Sent: Monday, January 24, 2011 6:07 PM
To: mikeamyx515@hotmail.com; robchestnut@sunflower.com; mdever@sunflower.com; ljohnson@peridiangroup.com; aroncromwell@gmail.com
Cc: Jonathan Douglass; David L. Corliss
Subject: Text Amendment TA-6-17-09

24 January 2011

RE: Text Amendments, TA-6-17-09, to various sections of the City of Lawrence Land Development Code to review standards related to "Boarding House"

Dear Mayor Amyx and City Commissioners,

As a resident of Oread Neighborhood, I am writing to express my support for the present version of the text amendment regarding congregate living, with modifications suggested by the Lawrence Preservation Alliance (letter from Dennis Brown to the Commission, 8 Jan 2011); namely, [1] that it be required in this amendment that owner of a congregate living house provide the name of a responsible person as contact; and [2] that the limitations on expansion should not allow more levels, at or above grade, than are present in the existing structure.

I understand that there may also be some concerns about the language regarding reduction in parking requirements for larger structures on larger lots, in addition to the parking reduction itself. I hope that the City will seek to find a fair and equitable way to implement such an incentive, or modify it as necessary, to ensure that it applies to intended structures only, and does not provide significant advantages to some property owners based on small differences in total square footage. It appears, for instance, that it's not entirely clear how many structures in Oread would qualify for this incentive under the lower the limit of 3,500 square feet (and lot size of 8,775 square feet). At the very least, it seems sensible to create an inventory of all such structures, so that we know how many there are at the time of adoption.

It has been rightly argued that allowing renovation for congregate living under the current text amendment (as modified in LPA's proposal) would allow property owners incentives to preserve some of the larger housing stock in my neighborhood. This is a good thing. I would like to point out, however, that it is not the case (as has been made recently in some local media outlets) that Oread is generally an undesirable place for owner-occupants to live. I myself am presently a long-time renter in the neighborhood, but am in the process of purchasing a house in Oread, which I plan to renovate and live in as my primary residence.

While I see the merit in encouraging renovation of older structures for use as congregate living or apartment units, I believe the best use of many of the structures in Oread would be as owner-occupied housing. It not a foregone conclusion that Oread is destined to be a student slum; in fact, until fairly recently, Oread had a higher percentage of owner-occupied housing. Oread is one of Lawrence's original "green neighborhoods," offering easy access to dining, shopping, cultural amenities, public transit, and even schools, which combine to make the neighborhood the perfect place for many of us to own a home. As I'm sure you know, owner-occupants often serve as a bulwark against blight and crime in their neighborhoods. To the extent that the City can encourage

return to a better mix of renters and owner-occupants, it will see lower direct and indirect costs to city services, increases in value of all properties in Oread, and a stronger, more liveable neighborhood.

Thank you for your work on behalf of our city and your consideration of these issues.

Sincerely,
Katherine Logan
1046 Ohio St
Lawrence KS 66044

Lawrence Preservation Alliance

P.O. BOX 1073 • LAWRENCE, KANSAS 66044

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JAN 18 2011

CITY MANAGERS OFFICE
LAWRENCE, KS

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1-8-11
TA-6-17-09
Congregate Living

City Commissioners:

In December 2009 the Planning Commission forwarded to you a recommendation revising the Lawrence Development Code relating to Boarding Houses (Congregate Living). On February 2, 2010 you voted to send the amendment back to the Planning Commission for further study on several matters. The Planning Commission, staff and interested members of the public, LPA included, have spent considerable time since then improving this text amendment. On December 13, 2010, the Planning Commission voted to return the amendment back to you for approval.

While LPA is generally pleased with the changes that have been made, we still have two concerns we believe you should address.

First, there is no mention in this amendment of a responsible person to contact in case of a complaint. While LPA will not brand all existing boarding houses with the label of 'party houses', the fact is that neighboring owner-occupants and renters have expressed frustration with this issue for some time. Perhaps this is more of an issue for the City Commission to address than the Planning Commission, and we certainly hope that you will.

Second, and more substantive, the limitations on expansion language being forwarded to you, while simplified as per your request, do not address a loophole we discovered several months ago that would allow multi-story additions on smaller structures while technically remaining in compliance with the 20% expansion limit.

The word 'footprint' used in the amendment is a ground-level dimension with no bearing on increased square footage that can be attained by adding levels to an expansion. A three-level structure, for instance, can have the same 'footprint' as a one-level structure. Heights up to 45' are allowed in RM32, the zoning most prevalent in the Oread Neighborhood.

The intent of allowing Congregate Living as a permitted use is to provide another tool to rehabilitate existing large, older structures, not to infill large, new expansions on the back of smaller structures. While LPA tried to encourage the Planning Commission to address this, and there was some positive sentiment to do so, we can only surmise that their failure to include some qualifying language was that it did not fall into the three specific items you directed them to address.

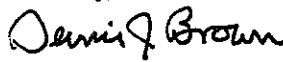
We suggest that you make the following addition of language to the amendment:

Limitations on Expansion

- a. At the time of its conversion to the Congregate Living use and for the life of a Congregate Living use upon its establishment, a Structure containing Congregate Living use shall not be enlarged greater than 20% of its existing building footprint, measured at grade and including covered (roofed), decks, patios and porches, **and the expansion shall not include more levels, at or above grade, than are present in the existing structure.**

With those changes, LPA can recommend that you approve this text amendment.

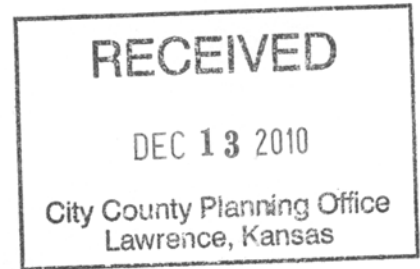
Sincerely,


Dennis J Brown
President



Lawrence
Preservation
Alliance

TA-6-17-09



Suggested language changes

Limitations on Expansion

- a. At the time of its conversion to the Congregate Living use and for the life of a Congregate Living use upon its establishment, a Structure containing Congregate Living use shall not be enlarged greater than 20% of its existing building footprint, measured at grade and including roofed porches. The height of a building expansion shall not be greater than the height of the original structure.

Parking table

Footnote #1 Whenever a structure 3,500 gross square feet or larger as of (Date of the ordinance), on a property 8,775 square feet or less is renovated as a multi-dwelling structure or congregate living use, parking shall be provided at the overall rate of .75 spaces per bedroom, with a minimum of no fewer than 5 spaces provided. For such structures within the designated boundaries of the high-density overlay districts in the Oread Neighborhood only, containing bedrooms of nine or more, parking shall be provided at the rate of .5 per bedroom.

Dennis J Brown

League of Women Voters of Lawrence-Douglas County

P.O. Box 1072, Lawrence, Kansas 66044

December 12, 2010

RECEIVED

DEC 13 2010

City County Planning Office
Lawrence, Kansas

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

RE: ITEM NO. 4: TEXT AMENDMENT TO CITY OF LAWRENCE DEVELOPMENT CODE; BOARDING HOUSE

Dear Chairman Blaser and Planning Commissioners:


We support the intention of the Planning Commission to avoid preferential treatment to either Boarding Houses (Congregate Living) or Apartment conversions of existing single family houses on small lots. We support avoiding the consolidation of small lots for larger apartments. The proposed staff suggestion to provide parking variances for large houses on small lots we hope will provide the desired effect of preserving these large older houses rather than demolishing them; however, we do not think that the standard should be lowered from what is now existing unless it is adopted as part of planning for an overlay district. Therefore we suggest that you consider allowing structures that are 3,500 gross square feet or larger (as of date of the ordinance) on properties 8,775 square feet in size or less to have required parking at the current rate of 0.75 spaces per one bedroom.


We also believe that there will be unintended consequences in the proposed change to allow a 20% increase in the footprint of these single family houses that are being expanded for apartment or boarding house use. The footprint deals only with the square footage at ground level. It would not prevent the addition of a second or third story (the RM32 District allows up to 45 feet in height). It would even allow an additional 20% square footage to second- and third-story additions and still be complying within the proposed provisions of the text amendment.

We suggest that the additional 20% expansion limit should apply to the existing structure rather than to the footprint. This would allow a sizable expansion to even large structures.

We hope you will accept these suggestions. Thank you.

Sincerely yours,


Milton Scott
Vice President


Alan Black, Chairman
Land Use Committee



Lawrence Association of Neighborhoods

Neighborhoods Working Together

Dear Planning Commissioners and Planning Department:

LAN is writing to support the completion of the city-wide Congregate Living Amendment. We believe that the city-wide Congregate Living Amendment will update outmoded boarding house standards and be beneficial to all neighborhoods. We support the following changes:

- 1.) *One parking space per bedroom for new construction or conversion of existing structures.*
- 2.) *Congregate living units shall require sprinkling the entire dwelling unit according to City Fire Code.*
- 3.) *Limits on building expansions should be addressed in neighborhood overlay district maps. Ex: Houses in Oread build on small narrow lots.*
- 4.) *Historic structures over 4000 sq feet not able to meet parking requirements should go before the BZA. Large historic structures appropriate for congregare living in high density areas should be designated in neighborhood overlay district maps.*
- 4.) *Uncovered decks and patios shall be limited to 20 sq feet of area per bedroom.*
- 5.) *A trash receptacle area compliant with the Development Code, the City Code, and related amendments and policies established by the Solid Waste Division of the City shall be designated on the site plan, used or reserved for use on the site for waste generated by the residents.*
- 6.) *An onsite contact person with authority will be designated.*

This amendment is important because:

1. **It conforms with all other RM12 and higher parking requirements** in the city.
2. **It does not create an incentive** to build congregare living rental units over all other types of rental units.
3. **It helps to address limited off street parking.**
4. Many other college cities support this parking requirement- Boulder Colorado, Manhattan Kansas, Ames Iowa, Stillwater Oklahoma.
5. **It is financially fair to all individuals who own and rent property in neighborhoods.**
6. **It will help maintain a variety of housing types in all neighborhoods.**

Thanks you,
Gwendolyn L. Klingenberg
Lawrence Association of Neighborhoods - President

From: Scott McCullough
Sent: Monday, December 13, 2010 8:19 AM
To: 'Robbie Farha'; David L. Corliss
Cc: David Holroyd; Fadila Boumaza; Shane Munsch
Subject: RE: TA-6-17-09

Rob,

You mention LAN in your email, but do you mean LPA? The LPA submitted a letter dated Nov 9 after the September PC discussion and it was included this month because it is the first opportunity the PC has to view it. The letter is not reacting to this month's proposal, but is instead responding to the PC's direction in September.

The 2006 rezoning was a city-wide effort to move to the new code. I'll try to address some of these questions this evening.

We'll check that your email is entered correctly on the online subscription service so you receive the PC agendas. Please let me know of any follow up questions.

Scott McCullough, Director - smccullough@lawrenceks.org
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: Robbie Farha [mailto:knobbiewheel@yahoo.com]
Sent: Monday, December 13, 2010 12:26 AM
To: Mike Amyx; David L. Corliss; Mike Dever; Rob Chestnut; Lance Johnson; Aron Cromwell; Scott McCullough
Cc: David Holroyd; Fadila Boumaza; Shane Munsch
Subject: RE: TA-6-17-09

You are correct Scott, I was in your office on Monday November 8th. At that time I brought up that City Commission asked Staff to have the 2 sides sit back down together which was never done. After reviewing the draft there is a lot of good in it, but I don't understand how LAN has their response letter dated Nov. 9th and I think the update letter has a date of August 25. Why wasn't it given to me that Monday? You stated it was still being worked on and you are correct that you stated that it would be sometime in December. I awaited for some kind of notification by letter or email and did not receive any. I have tried to sign up for on line emails 3 times and never get the email. As Shane Munsch pointed out, he did receive notice 1 week prior which is not enough notice to call an ONA meeting to discuss the changes. (Again, LAN's letter is dated Nov. 9th so they must have been notified)

I will see everyone Monday evening.

PS. During Monday's session, I would like to know who initiated the changes in 2006 when we went from RD to RM32 and who initiated the present proposed changes. The info may be redundant, but I ask again, why do we need any changes. There are plenty of "tools" in the box presently to address future boarding houses. In my opinion, TA-6-17-09 should be dropped.

From: Shane Munsch

To: Scott McCullough

Cc: Robbie Farha ; Mike Amyx ; David L. Corliss; MikeDever ; Rob Chestnut ; LanceJohnson ; Aron Cromwell ; David Holroyd ; Fadila Boumaza ; John Davis

Sent: Fri Dec 10 12:27:25 2010

Subject: Re: TA-6-17-09

The subscription service provides a one week notice. That is not adequate when trying to assemble a large group (ONA) to discuss. Based on the fact that it was the ONA that originally proposed the text amendment, it would be prudent to allow them time to review the latest revisions prior to asking the PC to approve. As a property owner, I would request this item be postponed.

Shane Munsch

Mobile Email

From: Scott McCullough

Sent: Friday, December 10, 2010 8:01 AM

To: Robbie Farha; Mike Amyx; David L. Corliss; Mike Dever; Rob Chestnut; Lance Johnson; Aron Cromwell

Cc: David Holroyd; Fadila Boumaza; Shane Munsch

Subject: RE: TA-6-17-09

Rob,

We will include your email as correspondence to the PC. On the subject of notice, you might recall that you recently visited me in my office and I verbally informed you of the upcoming PC meeting and even the substance of Planning's recommendation to the PC. I informed you that the staff report would be available this week. Additionally, the city has a subscription service to sign up for all planning related agendas. Please let me know of any questions.

Scott

From: Robbie Farha [knobbiewheel@yahoo.com]

Sent: Friday, December 10, 2010 12:50 AM

To: Scott McCullough; Mike Amyx; David L. Corliss; Mike Dever; Rob Chestnut; Lance Johnson; Aron Cromwell

Cc: Robert Farha; David Holroyd; Fadila Boumaza; Shane Munsch

Subject: TA-6-17-09

Scott McCullough and others, hope all is well.

I have asked numerous times to have an email sent from your department regarding any meetings on the text amendment for the boarding house. I just found out it will be discussed at Monday's (Dec. 13) PC meeting.

NO notice has been sent via mail or email. This TA is discussion which could include the change in status of our properties. When it was sent back from City Comm to PC, we were told major stakeholders would be included in a meeting to discuss ideas before it would be put on the PC agenda for December. This has never happened and now here we are with no notice and its on the agenda for Monday 12/13.

I will try to come by tomorrow (Fri 12/10) to get the revised packet to see the proposed changes. However, it is not an appropriate amount of time to notify the Oread Neighborhood Assc. or various stakeholders on such a major item.

Please include this email to the Planning Commission agenda packet for TA-6-17-09.

RECEIVED

DEC 13 2010

12-10-10
City-County Planning Office
Lawrence, Kansas

Dear Planning Commission,

Due to the length of time it has taken to make a decision on the **boarding house amendment**, I would like to provide information to any new commissioners who may not be familiar with this issue.

ONE of the GOALS of the Oread Neighborhood Plan is to maintain a variety of housing types in order to provide a balance in the diversity of people living in the neighborhood. Owner occupants are believed to be an important part of the mix of housing types available in the neighborhood. They help maintain stability in the area. Maintaining resident home owners has been made especially difficult by the **escalating number of BH**(boarding house/congregate living) units. Since the 1990's the # of requests for BH designations has gone up 2000%. Prior to this, *owner occupants had been reasonably protected by the ruling that stated that **no more than 4 unrelated individuals** could live in a single dwelling unit/usually a house.* Single-family zoned areas allow **no more** than 3 unrelated individuals to live in a house.

Boarding houses 50/60 years ago used to be homes where owners rented out rooms and often provided meals for their renters. Students not only lived with a resident supervisor, they lived with families. This aided civil, cooperative behavior among students and residents. **Students also did not commonly own cars.** Years later as society changed, BH use faded. *However, about 10 years ago a resurgence of BH applications began* and morphed into what we have today. **The code for BH should have been altered or studied at that time to discuss the present use and the unintended impact on neighborhoods. Five years ago the ONA brought this problem to the attention of the planning department who agreed that it was a problem. No action was taken.**

TODAY we are seeing homes that once housed 4 unrelated individuals **now house double that number** and in some cases even more. The once subdued BH of old has now become a residence for groups of undergraduates who generally know each other and have some kind of affiliation with a social living group on campus. **They not only house students but they are also popular off-campus locations for parties and open salons.** Underage and irresponsible drinking is rampant. There is often outdoor deck and patio space for outdoor gatherings, drinking and celebration. This kind of activity does not encourage peace abiding renters or homeowners to remain in the neighborhood. It puts stress on the neighborhood and uses many city resources to address the *disruption, higher crime, litter, parking problems and ensuing blight.*

The higher density that is allowed for BH units and the lower parking requirements, favors the BH rental unit over all other types of rentals. *Individuals wanting to buy older homes in the neighborhood are now being priced out of the market as home prices rise due to the income generating potential of a BH. A lower parking standard also seems unwise in an area already plagued with parking problems.*

The Boarding house/ Congregate Living Unit amendments being considered will impact many neighborhoods. ***This is a city-wide amendment change.*** As a resident and landlord in the Oread Neighborhood, I support the position that LAN has taken suggesting change to the outdated Boarding House Code.

Thank you,

Sincerely Candice Davis, Oread resident and landlord

Lawrence Association of Neighborhood's position on the BH Amendment

- 1.) One parking space per bedroom for new construction or conversion of existing structures.*
- 2.) Congregate living units shall require sprinkling the entire dwelling unit according to City Fire Code.*
- 3.) Limits on building expansions should be addressed in neighborhood overlay district maps. Ex: Houses in Oread build on small narrow lots.*
- 4.) Historic structures over 4000 sq feet not able to meet parking requirements should go before the BZA. Large historic structures appropriate for congregate living in high density areas should be designated in neighborhood overlay district maps.*
- 4.) Uncovered decks and patios shall be limited to 20 sq feet of area per bedroom.*
- 5.) A trash receptacle area compliant with the Development Code, the City Code, and related amendments and policies established by the Solid Waste Division of the City shall be designated on the site plan, used or reserved for use on the site for waste generated by the residents.*
- 6.) An onsite contact person with authority will be designated.*

OREAD PLAN GOALS 2010

- 1. Land Use-** Maintain a variety of housing types to provide a balance in the diversity of people living in the neighborhood while maintaining strong neighborhood scale commercial areas.
- 2. Preservation-** Preserve and improve the character of the neighborhood by encouraging the preservation of existing historic structures and features and by supporting infill development that is compatible with the surrounding neighborhood.
- 3. Infrastructure-** Promote improvements and maintenance of existing infrastructure on a regular basis, and upgrade infrastructure when redevelopment occurs. *(a rental inspection program)*
- 4. Neighborhood Atmosphere-** Promote a healthy and safe living, working, studying, and celebrating environment with a sense of community.

Lawrence Preservation Alliance

P.O. BOX 1073 • LAWRENCE, KANSAS 66044

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NOV 08 2010

City County Planning Office
Lawrence, Kansas

DIRECTORS

11-9-10

ANDRÉ BOLLAERT

TA-6-17-09

DENNIS BROWN
PRESIDENT

Congregate Living

BRENNA BUCHANAN

Planning Commissioners:

VIRGIL DEAN

At your last meeting regarding this amendment you were attempting to address two concerns: expansion language and parking requirements for larger structures.

KATE DINNEEN

I was pleased to hear some of you express the need for some type of language regarding expansion. In the draft amendment you forwarded to the City Commission in December 2009, there was a 20% expansion limit but also a complex formula for measuring the actual building's footprint. The Commission, I believe, was fine with the 20%, but wanted you to simplify the language for identifying the footprint.

ERNIE ECK
CO-TREASURER

MIKE GOANS

PAT KEHDE
SECRETARY

In May 2010 staff did this, with the following language: "A structure containing a congregate living use shall not be enlarged greater than 20% of its existing building footprint, measured at grade, for the life of the congregate living use."

DALE NIMZ

WESTON NORWOOD

NICOLE SABATINI
VICE-PRESIDENT

By August 2010 staff was proposing to strike all expansion language from the amendment, stating that other code mechanisms will limit expansions, making proposed language redundant.

MICHAEL SHAW

DALE SLUSSER
CO-TREASURER

In the LPA letter of 9-19-10, we showed a recent example of a plan that passed Historic Resources environs review [HRC's least-stringent review], and met all other codes and restrictions yet achieved a doubling of square footage from 900 to 1850 square feet. Asked by Commissioner Harris to respond to LPA's point, staff in my view was unable to properly answer the question.

MARY LYNN STUART

REV. VERDELL TAYLOR JR

CAROL VON TERSCH

If you adopt the May language I believe City Commission will pass it. If you also wish to protect small, older houses from receiving multi-story additions as a way to subvert this language, you should add language such as we've already proposed: "If the proposed expansion utilizes more stories than the original structure, the square footage of the expansion shall not be greater than the square footage derived from calculating 20% of the existing building footprint, measured at grade." LPA agrees with your assertion that congregate living as a permitted use is necessary to preserve some large, older structures. To use congregate living to expand small, older structures beyond all recognition is neither necessary nor desirable.

DENNIS DOMER
EMERITUS

MARCI FRANCISCO
EMERITUS



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Alliance

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Regarding parking, there was concern that the one space per bedroom standard you are adopting is impractical for some larger structures on small lots. There was discussion about relaxing this standard at some arbitrary number, with 4000 square feet being the most mentioned. But discussion regarding this was exposing potential problems, such as applicants expanding smaller houses to reach the 4000 square feet threshold and then achieving the lesser parking requirement.

There was also discussion about leaving this decision in the hands of the planning director to administer on a case by case basis. Some commissioners also expressed a concern to not burden the BZA with variance requests.

I asked two recent members of the BZA if a parking variance on a large, older structure would fit their five criteria, and if they felt the BZA was currently overburdened. They both told me that a variance request of this nature would fit the criteria, and that BZA agendas have been light for some time. Check it out for yourself. You are the overburdened commission in this city, not the BZA!

Why in the world would the planning director wish to accept the sole responsibility for making a decision on boarding house applications knowing how much these conversions can inflame the neighbors? Commissioner Dominguez was correct in his assessment of this issue: if a variance request goes to a public hearing format, several citizens, rather than one staff member, make the call, and any member of the public has the opportunity to comment on it.

As we've stated before, when design guidelines are formulated for the high-density urban conservation overlay districts in the new Oread Neighborhood Plan, LPA will support relaxing the one to one parking standard for large, older structures in those areas. In the meantime, if LPA is made aware of any large, older structure that really needs a conversion to congregate living to be renovated and needs a parking variance, we will support it if there are no objections from the immediate neighbors.

Finally, in earlier versions of this amendment there was language regarding a code-compliant trash receptacle area, and a means to immediately notify a property owner if a problem has come up. Those are both important components of this amendment and should be included.

Please pass the one space per bedroom standard as is, and adopt some simple expansion language, and send this text amendment back to the City Commission.

Sincerely,



Dennis J Brown, president