

ITEM NO. 4 TEXT AMENDMENT TO CITY OF LAWRENCE DEVELOPMENT CODE; BOARDING HOUSE (SDM)

TA-6-17-09: Reconsider Text Amendments to various sections of the City of Lawrence Land Development Code to review standards related to "Boarding House" and expanded to consider parking standards for Multi-Dwelling structures and nonconforming standards for Boarding Houses. *This item was originally heard by Planning Commission on 12/16/09. City Commission returned this item on 2/2/10 for additional consideration. Deferred by Planning Commission on 9/20/10.*

STAFF PRESENTATION

Mr. Scott McCullough presented the item.

Commissioner Finkeldei asked if ADA was required then why put it in the Development Code.

Mr. McCullough said it would apply from the Building Code standpoint. It was of a practical nature and good to get it in the Development Code as a starting point for the development community. He said it would provide upfront notice to an applicant of congregate living that ADA accessibility may be an issue.

Commissioner Rasmussen inquired about the accessibility requirements of the Fair Housing Act in the International Building Code.

Mr. McCullough said it would depend on the project but the requirements include an accessible route for all elements of the residence, which include sleeping, living, eating, and dining areas. He said there could be exceptions such as historic structures or topography.

Commissioner Harris asked how the parking standards for boarding houses as proposed compare with multi-family structures.

Mr. McCullough said they would be the same, one space per bedroom, unless it was a large structure on a small lot, they both have the same reduction down to .5.

Commissioner Finkeldei said the Lawrence Preservation Alliance letter suggested limiting the height of the house.

Mr. McCullough said staff had not looked at that issue. He said staff tried to keep it simple per the direction of City Commission.

PUBLIC HEARING

Mr. Dennis Brown, President of Lawrence Preservation Alliance, was pleased about limitations on expansion and liked the 20%. He stated the language regarding the building footprint included covered decks, patios, and porches. He was in favor of just using the language of roofed porches and striking decks and patios. He felt the height expansion should be no greater than the original structure. He said regarding parking he felt .5 parking spaces was less restricted than the current .75 parking spaces per bedroom. He proposed tiered parking standards.

Ms. Rose Moore expressed concern about increased parking. She said the assumption that everyone has a car was not true.

Ms. Gwen Klingenberg, Lawrence Association of Neighborhoods, said over 20 neighborhoods supported their recommended conditions.

Ms. Marci Francisco, 1101 Ohio St, said the wording on the limits on expansion was confusing and felt they should clarify the 20% footprint. She felt they should leave the parking requirement at .75 per bedroom for

larger structures for now, until overlay districts were created. She said there were built-in incentives for structures over 3,500 square feet which made them immediately more valuable

Mr. McCullough said he interpreted it that the footprint could expand 20%, not the structure.

Commissioner Finkeldei said he thought they wanted to incentivize redevelopment of the 3,500 square foot and larger houses because those were the ones that needed the work and could not otherwise be saved.

Ms. Francisco said over the years there have been people who have redeveloped houses and it was not a problem. She said now people are allowed to do that for apartments as well as boarding houses. It would reduce the amount of spaces for that size of a house to redevelop into apartments.

Ms. Fadila Boumaza said she opposed additional requirements and rules because no application takes less than 9 months. She said this issue has been worked on for months due to the shifting goals which was keeping the issue alive and difficult to resolve. She felt they needed to better define the goal and focus on a solution. She said at this point the text amendment would only benefit large structures being restored or renovated and that large structures needed to be financially feasible to make repairs and restore. She said the Oread neighborhood was also full of small houses mid-size homes and the text amendment should address those structures as well. She said essentially it would wipe out the ability to renovate small structures. She felt the ADA parking and trash requirements were too restrictive.

Ms. Candice Davis she said she would like to see a variety of housing, resident, and renter opportunities and felt that the lower parking standard would incentivize a boarding house. She said she was currently renovating a large house and that it could be done without spending a fortune. She felt the .75 parking space was reasonable for large homes. She said she supported the one parking space per bedroom.

Ms. Beth Reiber said she wanted to preserve the neighborhood and preserve small homes so they might revert back to single-family. She liked the changes that were made for the larger homes.

Mr. Tony Backus asked if the ADA compliance was required for duplexes and fourplexes in the neighborhood.

Mr. McCullough said he thought it took four units worth of residential intensity to kick in the ADA compliance.

Mr. Backus asked how many parking spaces on average could be in one of the 117 foot lots.

Mr. McCullough said typically it was about five spaces in the 50 feet.

Mr. Rick Hupper asked if this was approved would that mean every house that had more than four units in the Oread district had to retrofit their house for ADA compliance.

Mr. McCullough said it would be based on a change of occupancy, use, or building permit application.

Ms. Debbie Milks, 945 Ohio, thanked and supported staff for their work on this. She said she liked the grid with all the houses and changes on it.

Ms. Rose Moore said that renovated houses have had a positive impact to the neighborhood.

COMMISSION DISCUSSION

Commissioner Finkeldei said he was always leery of adding language in that was already the law. He asked if it was the City's position that Fair Housing Act and International Building Code applied to congregate living.

Mr. McCullough said yes.

Commissioner Finkeldei said he would support the text amendment because the current rules for congregate living are unlimited and he felt this was a good compromise in preserving small homes for single-family. He felt they should incentivize saving larger houses and without giving that incentive the houses tend to continue to go down in value. He felt it was good to apply the same rules to apartments that were applied to congregate living. He felt it was important to have non-conforming use language.

Commissioner Rasmussen inquired about the added language for the Fair Housing Act in the International Building Code and if it applied to multi-unit residential.

Mr. McCullough said multi-unit residential was an apartment building and congregate living was a single structure with more than four unrelated people in it. He said they were two different uses in the Zoning Code.

Commissioner Rasmussen asked if it would also apply to dormitory, scholarship halls, fraternity, and sorority houses.

Mr. McCullough said he would have to review the Building Code.

Commissioner Rasmussen said he could probably support the text amendment. He felt the congregate living houses were more like scholarship halls, fraternity, or sorority houses and he did not think the parking requirements should be any different than those. He said regarding the 20% expansion, a home could already expand upward as long as it did not exceed height restrictions in the neighborhood and he did not think that should be looked at here. He felt it was clear how it was calculated.

Commissioner Harris asked Commissioner Finkeldei about the language for calculating the expansion and what he thought about the Lawrence Preservation Alliance suggested language.

Commissioner Finkeldei said the December 13 letter suggested the height of a building expansion shall not be greater than the height of the original structure. He said his concern was if a dormer was added that was one foot high. He said he might be able to support the language in their November 9 letter.

Commissioner Harris said overall she liked the changes in the amendment. She would like to see some changes to the expansion language more in line with the Lawrence Preservation Alliance suggested language. She did not think patios and outside structures without roofs should be included as part of the building footprint. She said regarding parking she thought it would be nice if the parking requirement was .75 or 1.5 for every two but she could live with .5 if the requirement of 1 per 1 was kept for the small dwellings.

Commissioner Finkeldei asked if story was a defined term.

Mr. McCullough said the quick reference table uses maximum height as the development standard for height. He said stories could vary in height.

Commissioner Rasmussen said he would support removing the proposed language about the Fair Housing Act in the International Building Code because it was redundant to restate something that already applied.

Commissioner Finkeldei said it would be helpful to have a memo from the City Legal Department stating that this was the City's opinion that they apply to congregate living.

ACTION TAKEN

Motioned by Commissioner Finkeldei, seconded by Commissioner Rasmussen, to approve text amendment, TA-6-17-09, to various sections of the City of Lawrence Land Development Code to review standards related to "Boarding House" and expanded to consider parking standards for Multi-Dwelling structures and nonconforming standards for Boarding Houses, based on the staff report as drafted and forward to City Commission for approval.

Commissioner Hird said he hoped City Commission would look at Federal Laws. He hoped they would not see major height additions and felt City Commission should take note. He felt the parking was a compromise. He said he would support the motion.

Commissioner Harris said she would reluctantly vote against the motion. She said she could vote in favor if the language on expansion were different than what was written in the plan. She also felt patios and decks should not be considered part of the building footprint.

Mr. McCullough said the proposed language would include roofed decks, roofed patios, and roofed porches.

Commissioner Singleton said she appreciated staff putting in the non-conforming structure. She would also like the City to consider designating an onsite contact person.

Motion carried 8-1, with Commissioner Harris voting in opposition.