

Bobbie Walthall

To: David L. Corliss
Subject: RE: RM32

-----Original Message-----

From: maf@sunflower.com [mailto:maf@sunflower.com]

Sent: Tuesday, January 25, 2011 12:16 PM

To: maf@sunflower.com

Cc: David L. Corliss; Jonathan Douglass; mikeamyx515@hotmail.com; robchestnut@sunflower.com; ljohnson@peridiangroup.com; mdever@sunflower.com; aroncromwell@gmail.com; maf@sunflower.com

Subject: Re: RM32

Mayor Amyx and City Commissioners,

and a note about the RM32 zoning...

There seems to be a reasonable argument to allow for density per bedroom rather than per unit in the RM32 districts in our community, after all, this wouldn't change the number of bedrooms that can be built in an area.

However I want to note that I do not believe that this request is in response to a new demand for apartment configuration, but rather the opportunity to take advantage of a location on the 1000 block of Indiana that can accommodate underground parking. For years it has been the parking requirements, not the maximum number of dwelling units, that has set limits on redevelopment in the Oread Neighborhood. Because of those limitations created by parking, new construction of dwellings with four bedrooms has pretty much been focused on the areas zoned for duplexes.

There are two concerns regarding redevelopment in the Oread Neighborhood that I believe should be addressed if the City Commission agrees to make this change:

1. The recently adopted neighborhood plan calls for areas of low, moderate, and high density. Since this is a change to the requirements that will encourage development of higher density development, it should be limited to those areas where that higher density development was identified as appropriate, not throughout the neighborhood. It would make sense to include current apartment complexes built under the previous code that would benefit from the higher density allowance.

2. The neighborhood plan calls for conserving existing housing stock in the neighborhood. The development of this higher density is only possible on larger lots. To discourage rows of houses being replaced with apartment buildings, this change could be limited to redevelopment of existing large structures or vacant lots. I also note that it will be a shame if the house at 1043 Indiana is demolished as a result of this change.

Thank you for your consideration of these concerns.

Marci Francisco
1101 Ohio
Lawrence, KS 66044

Bobbie Walthall

To: David L. Corliss
Subject: RE: Text Amendment TA-6-8-10

From: Katherine Logan [mailto:logan.katherine@gmail.com]
Sent: Monday, January 24, 2011 6:15 PM
To: mikeamyx515@hotmail.com; robchestnut@sunflower.com; mdever@sunflower.com; ljohnson@peridiangroup.com; aroncromwell@gmail.com
Cc: David L. Corliss; Jonathan Douglass
Subject: Text Amendment TA-6-8-10

24 January 2001

RE: Text Amendments, TA-6-8-10, related to the density and development standards in the RM32 (Multi-Dwelling Residential) District

Dear Mayor Amyx and City Commissioners,

As a resident of Oread Neighborhood with no special expertise in planning, I find the concerns expressed in previous letters to the Planning and City Commissions from the Lawrence Preservation Alliance, League of Women Voters, Joe Bickford and Marci Francisco, and especially Stan Hernly, and to be compelling and quite alarming. My own concern is that raising the density cap would constitute a *de facto* "upzoning" in both density and the intensity of use throughout my neighborhood. As I am sure the Commission knows, Oread is already very densely populated by Lawrence's standards, with perennial parking-, traffic-, and other problems.

I understand that there may be benefit to increasing density in some areas of the neighborhood by allowing the construction of more than 32 units per acre. However, I am concerned that raising the density cap throughout the neighborhood would only serve to exacerbate the problems already present with the current zoning regulations. More importantly, perhaps, raising the existing limit seems likely to incentivize the consolidation of lots and demolition of smaller structures, actions which would undermine the important goal, found in the recently adopted Oread Neighborhood Plan, of preserving existing housing stock in this area.

My own preference would be for the Commission to step back from this request, until the consequences can be adequately explored and made known to residents and property owners. However, if the Commission chooses to proceed with the applicant's request, I would ask:

[1] that you include the limitations suggested by the LPA (letter from Dennis J. Brown to the City Commission, 8 Jan 2011), namely, insert qualifying language that limits the density change to existing multifamily structures on existing multi-family lots, or currently vacant lots; and

[2] that you limit, as suggested by the LWV (letter from Milton Scott and Alan Black to the Planning Commission, 12 Dec 2010), the proposed density change to areas of Oread already designated for higher density in the Neighborhood Plan.

I believe that these two modifications to the applicant's proposal would significantly mitigate many of the unforeseen consequences of this change to the current zoning in Oread.

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

Bobbie Walthall

To: David L. Corliss
Subject: RE: Congregate Living

-----Original Message-----

From: maf@sunflower.com [mailto:maf@sunflower.com]
Sent: Tuesday, January 25, 2011 7:41 AM
To: maf@sunflower.com
Cc: robchestnut@sunflower.com; mikeamyx515@hotmail.com; Jonathan Douglass; David L. Corliss; ljohnson@peridiangroup.com; mdever@sunflower.com; aroncromwell@gmail.com
Subject: Re: Congregate Living

Mayor Amyx and City Commissioners,

I've been struggling with putting together my thoughts on the proposed changes for congregare living and RM32 zoning.

Apologize for the late contact, and plan to attend the meeting tonight to express my thoughts, but did formalize a response regarding congregare living that I am sending to you now, and may get off a note about the RM32 zoning later.

Thanks so much for all you do for our community. marci francisco

I am writing with regard to the proposed changes regarding Congregate Living structures. I, as do many others, appreciate all the effort that has gone into this recommendation regarding Congregate Living. Thanks go to the City Commissioners, Planning Commissioners, planning staff, and property owners and residents over many years of discussion on this complicated issue.

I feel that it is important to note that "Congregate Living" is a more appropriate term than boarding houses, and that the recommendations to make the requirements for the minimum number of parking spaces be 1 parking space per bedroom and consistent with the requirements for multi-dwelling structures are helpful.

I do recognize that some of the expansions of structures in the Oread Neighborhood for the purpose of conversion to boarding houses seem inappropriate and this practice should be limited. The limitations to expansion that are proposed are generous: they allow both an expansion of 20% of the building footprint within three years of submitting the site plan application as well as an expansion of an additional 20% at the time of conversion or any time afterwards, and the 20% includes covered (roofed) decks, patios, and porches. I agree with the recommendation from the Lawrence Preservation Alliance that there should be a provision that the expansion shall not include more levels, at or above grade, than are present in the existing structure.

I also recognize that the limits on expansion, while appropriate for the Oread Neighborhood, may be too limiting for Congregate Living uses not located on small lots in an already built-up neighborhood. I hope that when overlay districts are developed for the Oread Neighborhood that they might incorporate these limitations so that they could be deleted from the overall code.

The other concern I have is with the footnote regarding parking requirements for structures of 3,500 gross square feet or larger on a property 8,775 square feet in size or less. I would suggest a wording change so that instead of "parking shall be provided at the overall rate of .5 spaces per one (1) bedroom" it reads "parking shall be provided to allow for a

minimum of .5 spaces per one (1) bedroom”. There seems to be agreement that we want to lower the requirement to allow for reasonable use of large historic houses in the neighborhood. I think we should understand the reason for setting the sizes, and also understand why the required number of spaces should be lower than that for fraternities, sororities, and scholarship halls. Before finalizing this exception we should have information about the existing size of the houses and understand the type of structures we are including - this is not limited to historic structures - to determine where it is appropriate to “draw the line” and perhaps consider a sliding scale so that we don’t have such a unfair situation where a property owner with a structure that is 3,490 square feet is required to provide one parking space per bedroom, and a property owner with 3,510 square feet is only required to provide parking at half that rate.

I would ask that the City Commission consider proceeding with the changes recommended by the Planning Commission to identify “Congregate Living” as a residential use and require 1 parking space per bedroom for that use and ask the Planning Commission for additional consideration of the language regarding the expansion and the parking exception.

Thank you for your time and consideration, and apologies for the long e-mail on this complicated topic.

marci francisco
1101 Ohio
Lawrence, KS 66044

Lawrence Preservation Alliance

P.O. BOX 1073 • LAWRENCE, KANSAS 66044

RECEIVED

JAN 18 2011

CITY MANAGERS OFFICE
LAWRENCE, KS

DIRECTORS

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MARCI FRANCISCO
EMERITUS

1-8-11
TA-6-8-10
Density Definition

City Commissioners:

The applicant for the proposed changes in this text amendment to the Land Development Code has stated that its purpose is to better reflect current market trends in rental housing and thus encourage renovation of older, existing apartment structures. LPA agrees that 1 and 2-bedroom units are more in line with today's market than 4-bedroom units, and that there are outdated multi-family structures that need to be renovated or replaced. However, without qualifying language, which the Planning Commission failed to add, the City will likely be providing incentive to consolidate lots with existing single dwelling units for multiple teardowns of existing historic structures and replacement with monolithic, high-density ones.

Developers have pointed out that, under current code, consolidation of lots for multiple teardowns can still take place with 4-bedroom structures replacing them. It is true that this is in fact the status quo, but as they clearly see this amendment as a way for them to produce a more marketable product, we must note that increasing marketability increases development pressure. There are many single dwelling units within the Oread Neighborhood that are not currently used to the highest density that RM32 allows.

Developers have also told us not to worry, that proposals they have seen do not involve teardowns of multiple properties. To that we say, put it in the amendment. As is, we have every right to worry.

The City has just passed a new Oread Neighborhood Plan that includes as an important goal the preservation of existing housing stock. Within that neighborhood there are many areas with irreplaceable historic housing stock that need incentives for preservation, not demolition. This amendment should support the goal of upgrading our stock of multi-family structures while at the same time not increasing the threat to our stock of single-dwelling structures.

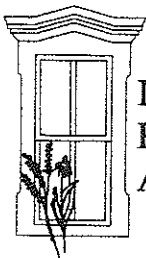
Therefore, we believe it is critical that if you pass this text amendment, you do so only after adding qualifying language that limits the proposed density change to existing multi-family structures on existing multi-family lots, or currently vacant lots.

This also serves as a reminder that, while the Oread Neighborhood Plan is now passed, its critical component of establishing Urban Conservation Overlay Districts with design guidelines for each (which will probably require a community task force working with a paid consultant), is still to be addressed. These UCO's were chosen as a tool to aid preservation and neighborhood interests over selecting specific areas for downzoning. LPA understands City budget concerns, but is mindful that while the chosen balancing element of the UCO's is not in place, the development pressure remains active and will continue to be.

Sincerely,



Dennis J Brown
President



Lawrence
Preservation
Alliance

MEMORANDUM

FROM : Ronald Hutchens
TO : Gwen Klingenberg
RE : RM 32 - TA
DATE : December 30, 2010

The current language of the text amendment for the RM32 is straight forward and simple. It will allow development of smaller units to equate to 4 bedroom units that are *currently allowed*. The smaller units will be more tenant and neighborhood friendly. Nothing else about the RM32 zoning will change other than how you calculate dwelling units. All the dimensional restrictions height, lot coverage, setbacks, and the parking requirements will stay exactly the same.

I know that there is concern that this text amendment will increase density, as well as further encourage development, but in reality it will only allow the same number of bedrooms which the property is currently zoned for. It may encourage developers to build smaller 1 and 2 bedroom units instead of 4 bedroom units as well as encourage the redevelopment of older apartment complexes near campus. These both seem to be good things. Granted it's our opinion, but it seems (20) 2 bedroom units is a better project than (10) 4 bedroom units. In either case the bedrooms are the same, and one of these scenarios is *already allowed* under the current zoning. Again, this offers no benefit to a property owner other than a different mix of unit types, all other regulations must be met. You will still have the same number of cars, the same number of people, the same size building, just a better overall project.

Please let us know if you have any other questions and / or if there is anything we can address with the Lawrence Association of Neighborhoods.

CC: City Commissioners
Scott McCullough
Paul Werner

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. 3: TEXT AMENDMENT TO CITY OF LAWRENCE DEVELOPMENT CODE; RM32 DISTRICT

Dear Chairman Blaser and Planning Commissioners:

We understand that the purpose of the proposal to change the Land Development Code's method of calculating density in the RM32 District is based on the need to better reflect market demand and provide incentives to renovate older existing apartment structures to more modern accommodations in the Oread Neighborhood. We also agree with the need to provide higher densities in areas close to the Campus. However, we hope that you also will closely examine the suggestion proposed by our planning staff to reduce the density equivalent by half of all apartment types except three and four bedroom apartments.

There are possible unintended outcomes of making the density modification to the code without adding further conditions at the same time. The Oread Neighborhood Plan encourages diversity in housing. It has many areas that have irreplaceable historic value and structures that need incentives to be preserved. We understand that the purpose of this proposed change is to encourage the renovation of older existing apartments rather than providing incentives to consolidate lots and tear down these historic houses. We have two suggestions to avoid the latter outcome:

- a. Rather than change the density calculation of the RM32 District as a whole, allow it as a Condition under the Land Development Code Article 5, Use Regulations, either for the district or for the building type.
 - i. Limit the proposed density change to existing multi-family structures.
 - ii. Also, limit the density change to a more proportionate reduction so that studio and one-bedroom apartments count as 0.5 dwelling units, and two bedroom apartments would count as 0.75 dwelling units.
- b. Allow the increased density in RM32 Districts in the Oread Neighborhood only in areas designated in the Oread Neighborhood Plan for higher density. The Plan has been approved, and does not depend on an Overlay District to be followed.

These provisions added as a general Condition to Article 5 could apply to all apartments in need of renovation or replacement, so that it could be a city-wide Condition, applying only to existing apartments and not to new RM32 Districts.

We hope that you will look on these suggestions favorably. Thank you.

Sincerely yours,

Milton Scott
Vice President

Alan Black
Alan Black, Chairman
Land Use Committee

From: [Scott McCullough](#)
To: [Michelle Leininger](#)
Cc: [Denny Ewert](#); [Sheila Stogsdill](#)
Subject: FW: Items 9 and 10 on the Planning Commission Agenda
Date: Friday, August 13, 2010 4:07:21 PM

Please post the emails below as discussion for PC and report it in the reports.

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 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

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

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: 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,

Kirk

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

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

22 August 2010

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

RE: ITEM NO. 10 TEXT AMENDMENT; CHP 20 ARTICLE 6; RM32 DISTRICT

Dear Chairman Blaser and Planning Commissioners:

We are writing to express our concerns regarding the proposal to lift the density cap for the RM32 district.

We have ownership interest in four properties in Oread zoned RM32: a single family house that had been converted to a duplex, a house divided into six apartments we converted back to single family, a boarding house we renovated with a partnership into four apartments, and the beautifully restored single-family house where we now live. We were well aware of the opportunities and the limits of the current zoning and development regulations, but also of the plan for the neighborhood that encourages the maintenance of the existing housing stock, as we made these investments.

The draft of the neighborhood plan suggests that there may be some areas in the neighborhood that would be appropriate for more dense development, but those certainly did not include the entire area currently zoned RM32. There is very limited opportunity for infill development in the neighborhood; this change would increase the pressures for redevelopment not only of existing apartment structures but also for replacement of historic houses.

Another significant concern arises from the fact that, even after repeated requests to consider more appropriate standards for development within the original townsite of Lawrence so that the regulations would reflect the pattern of development including narrow lots, alleys, and setbacks, we continue to have most of the same standards for new development apply to this area. The standards were again considered with the recent zoning changes and it was decided to allow for overlay districts to address the issue. It would be most inappropriate to adopt this change in the Oread Neighborhood, relying only on meeting the development standards, before appropriate changes to these standards are made. Consideration should be also given to addressing issues of underground parking and greater traffic; another parking garage emptying out onto 11th Street would exacerbate the existing traffic problems.

We do believe that if there is a density bonus to create more sustainable development within the neighborhood that LEED or Energy Star certification standards should be required.

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

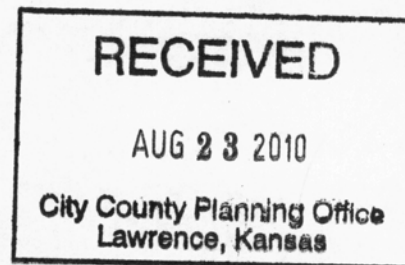
Joe Bickford and marci francisco

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



RE: ITEM NO.10 TEXT AMENDMENT; CHP 20 ARTICLE 6; RM32 DISTRICT

Dear Chairman Blaser and Planning Commissioners:


We are pleased to see the staff recommendation that additional consideration be given to the proposal to lift the density cap for the RM32 District (the current maximum).


Although we recognize the interest in allowing for infill development or redevelopment of older apartment structures in the Oread Neighborhood, we also recognize that this change would create additional pressures for the redevelopment throughout the areas now zoned RM32. We see no justification for increasing the density throughout a neighborhood where much of the existing housing stock is currently single-family. This would defeat the purpose of encouraging preservation of the historical structures, the small-lot scale, and variety in housing types and residents called for in the neighborhood plan.

We believe there should be some density cap for all zoning districts; there is some limit to the capacity of the infrastructure in an area to support development and there should be some indication to adjacent properties of the potential for future development. Rather than lift the density cap, the adoption of overlay districts to identify specific areas of RM32 zoning that could be appropriately developed to a higher density should be considered as one of the options.

We look forward to further discussion of this issue.

Sincerely yours,


Milton Scott
Vice President


Alan Black, Chairman
Land Use Committee

Lawrence Preservation Alliance

P.O. BOX 1073 • LAWRENCE, KANSAS 66044

DIRECTORS

ANDRÉ BOLLAERT

DENNIS BROWN
PRESIDENT

9-19-10

BRENNA BUCHANAN

TA-6-8-10

VIRGIL DEAN

increase maximum dwelling units per acre limit in RM32?
Planning Commissioners:

KATE DINNEEN

I would like to make two points regarding this text amendment. First, a request for clarification regarding whether this amendment would merely add kitchens in the shuffling from 4-bedroom units to one or two-bedroom units, or could the actual number of people within the same building footprint increase?

ERNIE ECK
CO-TREASURER

MIKE GOANS

Are the phrases in the staff report, "unrestricted density cap" and "unlimited density" merely an unfortunate choice of words?

PAT KEHDE
SECRETARY

DALE NIMZ

Second, LPA would agree with the comment made by the LAN representative at the August PC meeting: what are the unintended consequences of this amendment? Reasonable people can understand a develop^{ers} need to market one or two bedroom units in today's market. But what if the text amendment also made it more lucrative for a property investor to take out a row of older homes to put up high-density rentals? "Preserving existing housing stock" is a listed goal in the new Oread Neighborhood Plan.

WESTON NORWOOD

NICOLE SABATINI
VICE-PRESIDENT

MICHAEL SHAW

DALE SLUSSER
CO-TREASURER

MARY LYNN STUART

Staff needs to clarify if this amendment will add people as well as kitchens to the same building footprint, and staff needs to study the possible ramifications to development patterns within the Oread neighborhood before further action is taken on this text amendment.

REV. VERDELL TAYLOR JR.

CAROL VON TERSCH

DENNIS DOMER
EMERITUS

MARCI FRANCISCO
EMERITUS

Dennis J Brown

Dennis J Brown
president



October 7, 2010

Planning Commissioners
City of Lawrence, Kansas

Re: Proposed Text Amendment TA6-8-10.

As an architect practicing in Lawrence, I'm writing to provide additional information regarding the proposed text amendment to remove the unit density cap in the RM-32 zoning district. This proposed amendment is presented as a simple measure to allow for the development of more 1-bedroom and studio apartment housing options, especially around the University of Kansas campus. The density increases possible with the proposed amendment need to be fully understood before any action is taken to change the development code.

Under the current regulations, 32 apartment units per acre of property are permitted in the RM-32 zoning district. Taken in conjunction with the regulation which limits the number of unrelated persons living in an apartment unit to 4, **the maximum number of people per acre in the RM-32 district is 128**. This is the only real limitation on density in this, or any, multi-dwelling zoning district. All other zoning regulations (including setbacks, height limitations, and parking requirements) modulate density, but do not control density.

Currently there is no differentiation in the code between apartment types. A studio apartment unit counts the same as a 4-bedroom apartment unit. From a development standpoint, this tends to push toward apartment complexes with more bedrooms-per-unit in order to maximize the financial return on investment. From a market standpoint, apartments with fewer bedrooms-per-unit are becoming more desirable. Therefore the proposed text amendment comes before you for consideration.

The proposed text amendment requests the removal of the 32 units per acre density cap, if all other zoning regulations are met. This is presented as a means to construct new apartment developments which include more 1-bedroom and studio apartments as part of the overall mix of units. In essence, the theory is there is little difference between an apartment complex with ten 4-bedroom units and an apartment complex with 40 1-bedroom units; they both have 40 bedrooms and are both required to have 40 parking spaces. If either development can be designed to fit within the allowable building area on the site, there's little difference between allowing either to be built. Let me tell you, this is a wolf in sheep's clothing.

To demonstrate the potential impact of the proposed change, let's look at some simple numeric possibilities for an original townsite lot measuring 50' x 117'. This lot contains 5,850 s.f., which is equivalent to .1343 acres. At 32 units per acre, four units are allowed on this lot, and at a maximum of 4 unrelated people per unit, there could be **16 people** living on the lot; this is the only absolute control on density under the current development code. With the proposed text amendment the only definitive control on the maximum number of people that could live on the lot is still controlled only by the four unrelated people allowed per unit, and the **total** number

of people living on the lot could skyrocket. For example, on a flat lot with alley access at the rear and street access at the front, it is theoretically possible to provide 16 parking spaces at ground level and to construct 16 1-bedroom apartment units on floor levels over the parking. Working within building setbacks and height limitations each of these apartment units could average 720 s.f. in size. From a design standpoint, this would accommodate a large 1-bedroom apartment that, if so inclined, could be rented legally to four unrelated people, thereby creating a density of **64 people** living on the lot, four times more than the current amount possible and four times the parking spaces provided.

While this example is extreme, two axioms should be understood; architects are creative people and developers want to optimize financial return on every development. Without some definitive control on density, you will be startled by the scale of projects created under the proposed text amendment.

If the desire of the Planning Commission is to modify the zoning code to allow developments with more and smaller apartment units, similar in density to what can be achieved under the RM-32 zoning regulations, then some means needs to be put in place to absolutely control the maximum density for those developments. One way to do this would be to set the density limit as **people-per-acre** rather than **units-per-acre** and to implement regulations reducing the allowable number of unrelated people living in smaller apartment units. This however is fraught with difficulties of enforcement and definitions, and perhaps not the best approach.

If the desire of the Planning Commission is to allow greater density in selected areas of town, then this would more easily be achieved and regulated with a higher density zoning category, rather than modification of the RM-32 district. This would keep the implementation of all developments in standard zoning districts under the same umbrella of maximum density review, defined as units-per-acre.

If the desire of the Planning Commission is to allow developments with more and smaller apartment units in the older part of town, maintaining the same density impact as developments with fewer and larger units, then perhaps the best approach would be to create a new Mini Planned Development code. The smallest property size for using the current Planned Development code is five acres, and a new Mini Planned Development code could be created for properties less than 5 acres in size. This could provide for a more detailed review of a proposed development that incorporates floor plans and building elevations as part of the site development approval. This process could more easily maintain a balance between development density and parking, which is what the proposed text amendment has potential of throwing out of alignment.

As a long time resident of Lawrence, former homeowner in the Oread Neighborhood, and practicing architect with a strong historic preservation focus, I have a keen awareness of the potential impact of the proposed text amendment on areas around the KU campus. I support development and redevelopment within the older areas of town, but not at the expense of losing significant historic properties which help define the character of our community or at the expense of creating developments which do not provide adequate on-site parking. Please be sure to thoroughly explore the potential impact of any changes to the development code before implementing those changes.

Sincerely,

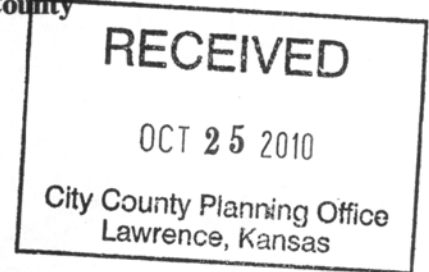
A handwritten signature in black ink, appearing to read "Stan Hernly", with a long horizontal flourish extending to the right.

Stan Hernly

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

October 25, 2010

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



RE: ITEM NO. 7, TEXT AMENDMENT TO CITY OF LAWRENCE DEVELOPMENT CODE; RM32 DISTRICT

Dear Chairman Blaser and Planning Commissioners:

We are pleased with the staff recommendation for more consideration of the proposal to lift the density cap for the RM32 District. We have some comments to add to those we made in our August letter.

The stated reason for the request was "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." Although the community wants to encourage development of infill property, the League does not believe that the intent of our Comprehensive Land Use Plan is to encourage the redevelopment of ALL currently developed RM zoning throughout the city beyond the current limitations. For the most part, zoning should provide stability, not instability, for neighborhoods.

There are certainly arguments that in some areas it may be reasonable to increase density, but again, we believe those areas should be selected carefully until we know some of the impacts of this change. We support the staff proposal to identify some density cap for this district; there are limits to the capacity of the infrastructure to support development in an area. We were pleased to see the wording allowing for a maximum of 54 (additional 22 Dwelling Units per acre) and then we were subsequently confused by the example under "Redemption of Bonuses" that allowed for density to be up to 128 units/acre. The initial proposal stated that all other standards for development should be met, and now we see a discussion of increasing the height and reducing the front yard.

There should be more clarity regarding allowable bonuses; we believe that the staff is asking for direction on this. Perhaps the percentage of the bonus should be higher if more studio or one-bedroom apartments are being developed than if there are more two-bedroom apartments. We agree with the intended purpose of allowing bonuses to redevelop "inappropriate" structures currently in the Oread Neighborhood, but would like assurance that the new structures would be considered to be appropriate. There should also be some equity in the number of additional units that can be developed with similar investments on the part of the developer. It will be much more expensive to develop an underground parking space than it will be to provide on-site recycling bins.

The staff has acknowledged that this change could create additional pressures for the redevelopment throughout areas now zoned RM32. We believe that bonus points should only be available for development that is consistent with the goals of the neighborhood plan. Areas in Oread that are recommended for lower density development should not be considered for these bonuses.

Sincerely yours,

Handwritten signature of Brooke Goc in cursive.

Brooke Goc
President

Handwritten signature of Alan Black in cursive.

Alan Black, Chairman
Land Use Committee

From: [Scott McCullough](#)
To: [Michelle Leininger](#); [Sheila Stogsdill](#)
Subject: FW: Text Amendment to RM#@
Date: Monday, November 01, 2010 4:51:14 PM

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
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From: McClure, Kirk [mailto:mcclure@ku.edu]
Sent: Monday, November 01, 2010 4:45 PM
To: Scott McCullough
Subject: RE: Text Amendment to RM#@

Scott –

Thanks. I agree that there are multiple issues at play.

Will the staff produce any analysis that the public can read? Absent a written analysis, the public is simply speculating on the impact of this amendment. I suspect that many of the fears are unfounded, but it is hard to know. It would help if we could see a balanced listing of pros and cons for each option and some sense of the expected outcomes.

As I mentioned, I am afraid of the “law of unintended consequences.”

If developers simply produce a building that would have contained 8 bedrooms in a four-unit complex and, instead, produce an eight-unit building with 8 bedrooms, I doubt that people will object. If however, this becomes a mechanism with incentives to demolish older homes that could be preserved under alternative regulatory schemes, then many people, including myself, will object.

I would prefer to see the staff exploring mechanisms that affirmatively preserve and protect the Oread neighborhood. Rather, we seem to be constantly placed in a defensive posture, fighting against each iteration of developer-driven ideas that harm rather than enhance the neighborhood.

All the best,

Kirk

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: Monday, November 01, 2010 2:44 PM
To: McClure, Kirk
Cc: Michelle Leininger; Sheila Stogsdill; Lynne Zollner
Subject: RE: Text Amendment to RM#@

Kirk,

The PC discussed the concerns you mention below at their meeting last week. Most recognize that lots can be consolidated under the current zoning standards, but also agree that raising the density may encourage lot consolidation for redevelopment. I think there are multiple issues at play here –whether to redefine density in a way that permits studio and one-bedroom apartments to count in a more equitable way compared to four-bedroom apartments, whether to increase the RM32 density at all, whether increased density should be incentivized in order to achieve other public goals, and how to accomplish/resolve the issues so that unintended consequences are minimized.

Staff will be reviewing the PC discussion in order to make a recommendation at a future date on these issues. Recent discussions with the PC has yielded the following options: redefine density to account for low bedroom count units, explore overlay districts if it is believed that the density could/should be increased in only certain areas, create a higher density zoning district that an owner could apply to rezone to and then analyze each rezoning request on its merits, keep exploring incentives.

Please let me know of any questions. Thanks.

Scott McCullough, *Director* - smccullough@ci.lawrence.ks.us
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City Hall, 6 E. 6th Street
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From: McClure, Kirk [mailto:mcclure@ku.edu]
Sent: Tuesday, October 26, 2010 5:16 PM
To: Scott McCullough
Subject: Text Amendment to RM#@

Scott –

I continue to have some concerns over the unintended consequences of increasing the maximum dwelling unit limits in the RM32 districts.

Could this revisions cause owners of older properties to seek demolition of good quality older properties so as to redevelop the parcels? (We suffered from a good deal of this in the 1970s.)

The staff report mentions the problem of lot consolidation. It is not clear to me how a limit of 54 units to the acre stops this. If we want to stop consolidation, the limit should be on the maximum parcel size.

Density bonuses rarely serve the public interest. Why should the community reward a developer with a bonus for meeting normal planning requirements?

By the way, congratulations on the APA "10 Best Streets" award. It is a recognition of an asset that we need to protect and preserve.

All the best,

Kirk

Kirk McClure
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Lawrence Preservation Alliance

P.O. BOX 1073 • LAWRENCE, KANSAS 66044

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11-28-10

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TA 6-8-10

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NOV 29 2010

City County Planning Office
Lawrence, Kansas

It seems clear to assume after the October public hearing that this proposed text amendment would in fact increase the number of people allowed living within an identical footprint, although at to what extent it should be capped seems unclear. Certainly you should establish a cap or maximum density that would be sensitive to neighbors in Oread, whether they be homeowners or renters themselves.

The Lawrence Association of Neighborhoods (LAN), and LPA have also voiced a concern regarding unintended consequences the amendment might have, specifically, providing incentive in certain locations to demolish more of our dwindling supply of historic original housing. Both LAN and LPA asked staff to study this issue. Staff responded by including it as a listed concern for you to consider in its staff presentation to you at your October meeting.

Among the general goals of the newly adopted Oread Neighborhood Plan is the goal of "preserving existing housing stock". LPA can see the benefits of this text amendment encouraging redevelopment of existing older apartment complex units. Our concern in Oread is the long trend of letting those properties, as well as several inappropriate 1980's fourplexes, continue to exist and deteriorate while existing original housing continues to be targeted for apartment complex development.

We suggest that you first send this text amendment to the Historic Resources Commission to receive their comment.

Second, extrapolating on our previous testimony on this amendment to the planning commission, and a suggestion by commissioner Finkeldei at the October meeting, we would suggest the following language be added to the amendment:

"Any project that involves the demolition of listable (fifty years or older) structures shall not receive the increased density allowed by this amendment without approval of the Lawrence Historic Resources Commission at a regularly scheduled public hearing."

Sincerely,



Dennis J Brown
president



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Preservation
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www.lawrencepreservation.org