

**ITEM NO. 16 TEXT AMENDMENT TO CITY OF LAWRENCE DEVELOPMENT CODE; MULTI-DWELLING RESIDENTIAL ZONING DISTRICT RM64 (MJL)**

**TA-3-3-11:** Consider Text Amendments to the City of Lawrence Land Development Code, to various sections regarding creation of a new multi-dwelling residential zoning district, RM64. *Initiated by City Commission on 4/5/11.*

**ITEM NO. 17 TEXT AMENDMENT TO CITY OF LAWRENCE DEVELOPMENT CODE; CHP 20; PLANNED DEVELOPMENT OVERLAY DISTRICT (MJL)**

**TA-3-4-11:** Consider Text Amendments to the City of Lawrence Land Development Code, Chapter 20, Article 6 & 7, regarding revisions to the district criteria and development standards in the Planned Development Overlay District. *Initiated by City Commission on 4/5/11.*

**STAFF PRESENTATION**

Ms. Michelle Leininger presented items 16 & 17 together.

Commissioner Harris said it seemed to say if there was an RM district next to an RS district and a one-story house on the RS lot you did not have to build a one-story multi-family house, you could build maximum height of two-story.

Mr. McCullough said that was correct, the one-story house would have the ability and right to go up to the maximum of 34'.

Commissioner Harris said she saw a lot of benefits to what was being proposed. She said she also saw the potential for people not liking what happened in the PD districts. She asked if staff anticipated any problems with developing according to the new standards in the PD districts proposed.

Mr. McCullough said it would be case by case proposals to the Planning Commission and City Commission. He felt it was an appropriate tool in the toolbox that was not being used because of all these challenges. He said they could be used to a greater degree to help meet the Comprehensive Plan policies and to get compatible and creative projects going.

Commissioner Harris inquired about applying this in the Oread neighborhood with small homes that were zoned RM instead of RS.

Ms. Leininger said specifically in the Oread neighborhood a lot of those single-family homes were more of the traditional two and three-story houses so some of that was already mitigated by the existing structures. She said neighborhood context could be taken into consideration with the PD overlay.

**APPLICANT PRESENTATION**

Mr. Paul Werner, Paul Werner Architects, said this started because they wanted more flexibility. He said the first thing they started with was the size. He said staff worked on the height to fix the flaw in the Code. He said the PD Overlay would essentially be on a case by case basis, not city wide. He said regarding the RM64 there was no desire to have 160 units per acre anywhere. He said it came out of the desire for a higher density zoning district. He said he did not know why Horizon 2020 did not support it. He said the land value 20 years ago did not drive the type of projects seen today.

Commissioner Rasmussen asked if he had a preference of RM64 or the PD Overlay.

Mr. Werner said the PD Overlay was his preference because it was more simple.

**PUBLIC HEARING on both items 16 & 17**

Mr. Dennis Brown, Lawrence Preservation Alliance, said the PD Overlay made more sense. He felt this was being brought forward to increase the density for a major project in the 1000 block of Indiana and possibly another in the 1100 block. He said Lawrence Preservation Alliance was not opposed to finding a tool that worked for those specific projects, provided they could pass historic review. He said the concern was what may work there could have a detrimental effect to historic and older housing elsewhere. He stated the RM32 density definition died because it wasn't specific enough. He said the PD Overlay route allowed for one at a time project review. He expressed concerns about no minimum acreage. He wondered how the PD Overlay would not increase the redevelopment process.

Ms. Gwen Klingenberg, Lawrence Association of Neighborhoods, felt the PD Overlay was the better way to go. She expressed concerns about no minimum acreage and density changes. She was concerned about apartment windows being placed to look directly into single-family homes.

Commissioner Harris asked what she would recommend for acreage.

Ms. Klingenberg said would like at least 1 acre.

Commissioner Rasmussen asked for clarification about her concern regarding height. He said he felt like the house next to his could look into his home and vice versa.

Ms. Klingenberg said in most cases, especially with new development, they were very careful to make sure windows did not look into each other.

Ms. Marci Francisco felt the PD Overlay was a better tool but limited design standards with just height and setbacks. She felt the character of the neighborhood needed to be considered. She said there should be an acreage minimum. She said City Commission should have the ability to increase parking in certain circumstances. She suggested a variety of units with a sliding scale on density/bedrooms.

### **ACTION TAKEN on item 16**

Motioned by Commissioner Singleton, seconded by Commissioner Harris, to deny the proposed amendments TA-3-3-11 to the City of Lawrence Land Development Code to the City Commission based on the findings of fact outlined in the staff report

Commissioner Finkeldei said he would vote in favor of the denial of RM64 but would be open at some point to consider something less.

Motion carried 9-0.

### **COMMISSION DISCUSSION**

Commissioner Finkeldei asked why staff was recommending 0 acreage.

Mr. McCullough said it allowed for maximum flexibility and all the figures were somewhat arbitrary.

Commissioner Finkeldei inquired about parking and the idea of allowing City Commission to increase or decrease it.

Ms. Leininger said for residential they would go to the Board of Zoning Appeals but for non-residential the City Commission could approve it with a parking study justification for reductions.

Commissioner Finkeldei said he would agree with allowing City Commission to consider an increase or decrease in parking.

Ms. Leininger said the Code requires 1 parking space per bedroom and an extra one for every 10 units. She said not everyone in a bedroom would have a car so it would even out.

Commissioner Singleton asked what language would address the character of the neighborhood.

Mr. McCullough said the character of the neighborhood was one of the golden criteria for any rezoning request process.

Commissioner Harris asked how this Text Amendment would preserve older structures.

Mr. McCullough said the difference in the two Text Amendments was that the RM32 would establish a standard that could have been used by right, the PD Overlay was a rezoning process so it added a few layers of public review.

Commissioner Harris asked how much space was needed to construct underground parking.

Mr. Werner said it had to meet the same dimensional standards as a normal parking lot. He said 50' wide would be too narrow so a single 50' lot would be tough. He said if it was turned the other direction 117' would be better.

Commissioner Rasmussen would like to see examples of how it could be applied to properties.

**ACTION TAKEN on item 17**

Motioned by Commissioner Singleton, seconded by Commissioner Liese, to defer the item until June 20, 2011.

Motion carried 9-0.