

**ITEM NO. 2 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. Deferred by Planning Commission on 5/25/11.*

STAFF PRESENTATION

Ms. Michelle Leininger presented the item.

Commissioner Burger asked staff if they had an opinion about writing into the language that it only apply to the Oread Neighborhood.

Ms. Leininger said it would be better regulated through overlay districts. She said it would be difficult to regulate based on a specific area in the Code and that it would create inconsistency within districts.

Mr. McCullough said since the Code was adopted in 2006 the Links apartment complex was created with a planned overlay district. He said the planned overlay could be a very appropriate tool to use but was limiting and conflicting with the Code and this was an opportunity to clean it up and make part of it more objective. He stated staff felt like this should be applied and available citywide for any number of types of development projects.

APPLICANT PRESENTATION

Mr. Paul Werner, Paul Werner Architects, said City Commission should be able to increase or decrease the parking requirements. He felt it was okay to make it a zero area with a minimum of a quarter of an acre. He thought the height increase should only require a change to the front side, but not the alley. He said a planned overlay would be like a rezoning with a public hearing and a lot of people would not want to go through that process.

Commissioner Burger asked Mr. Werner to comment on the letter written by Ms. Marci Francisco that suggested .4 for studio, .6 for one bedroom, and .75 for two bedroom.

Mr. Werner said it would penalize for building a two bedroom.

PUBLIC HEARING

Ms. Gwen Klingenberg, Lawrence Association of Neighborhoods (LAN), said the change could affect development citywide. She said they needed to find a way to help the applicant build 1043 Indiana without changing the Code. She said height limit and setback was important for privacy and sunlight. She stated LAN did not support any parking changes.

Ms. Marci Francisco, 1101 Ohio, appreciated Planning Commission taking the time to look at options. She said by using an overlay district the developer would get an extra bonus. She said she would support .4 for one bedroom, .6 for two bedroom, .8 for three bedroom, and 1 for four bedroom. She suggested a half acre minimum.

Commissioner Burger asked if a half acre would encourage consolidation of lots.

Ms. Francisco said 4-plexes generally were built on single lots. She said this could be used to redevelop existing apartment complexes in the Oread Neighborhood.

Mr. Alan Black, League of Women Voters, expressed concern about the applicability citywide.

Mr. Werner said he was okay with Ms. Francisco's numbers. He asked staff if parking was being changed.

Mr. McCullough said no, it was one per bedroom.

COMMISSION DISCUSSION

Mr. McCullough pointed out the staff table on page 69 of the packet that included the planned overlay 25% increase. He stated staff kept it simple with straight calculations. He said Mr. Werner took it an extra step to show options of what could occur with mixing and matching. He said the assumption was that the market wanted two bedroom units, but even with four bedroom units it would not likely max out the intensity. He said the Planned Development Overlay District would offer an applicant to go through the public process with a little bit more flexibility and allow the applicant to request up to 25% more density of units. The new language would allow the density to be recalculated but would not change the parking standards, except it would allow City Commission the ability to require more or less parking of a project.

Commissioner Liese inquired about the original town center lot.

Ms. Leininger said those were the size of lots originally platted.

Commissioner Liese asked how much acreage that was.

Mr. McCullough said it was close to 1/10 of an acre.

Commissioner Culver said on page 67 of the packet the staff report says $\frac{1}{2}$ acre = 21,780 square feet.

Commissioner Blaser asked if size made any difference.

Mr. McCullough said it seemed a bit arbitrary. He said the flexibility of having no size limit was that someone would be able to take a single lot and propose through the public hearing process a development. He felt it was appropriate to have a flexible process.

Commissioner Liese said if it was indeed arbitrary maybe the best thing to do was to eliminate the minimum.

Mr. McCullough said it could either be eliminated or let the underlying base district minimum lot size regulate it.

Commissioner Blaser inquired about the base lot sizes.

Mr. McCullough said every lot had a base minimum lot size. (He displayed the chart on the overhead)

Commissioner Finkeldei said he could support the original staff recommendation of the .5 and zero acreage but he was hearing more consensus on a few other issues that he could support as well. He said he could support the .4, .6, .8 density ratio and $\frac{1}{4}$ acre minimum lot size. He asked staff to address Ms. Klingenberg's comments about height.

Mr. McCullough displayed the table standards on the overhead. He said the current Code stated that you have to match the structure height of the adjacent property, not the maximum height of the district. He said the adjacent structure could increase their height to their maximum at any time with a building permit.

Commissioner Liese asked Ms. Francisco if she was comfortable with zero.

Ms. Francisco said they were talking about the size of original town site lots and that was the map that the City of Lawrence first laid out. She said the overlay district would give the developer a 25% bonus density. She suggested $\frac{1}{2}$ acre which would equal 4 lots.

Commissioner Burger asked if City Commission could also change the density.

Mr. McCullough said the Planned Development Overlay district today allowed a request to be made to increase the density by 25% of the base district on a 5 acre or larger site. He said it also allowed City Commission to decrease the parking standards.

Commissioner Belt inquired about the current status of Oread grants Ms. Klingenberg mentioned.

Mr. McCullough said City Commission accepted the grants so an RFP would be sent out to the consultants and a process to include the public would be built.

Commissioner Belt asked if he thought there would be time conflicts.

Mr. McCullough said he thought the process would take a year to complete.

Commissioner Finkeldei inquired about the ability to reduce below the minimum.

Ms. Stogsdill said there were a number of PUD's under the old Code where there was a variance requested through the Planning Commission on the lot size reduction.

Commissioner Culver asked staff's opinion regarding Mr. Werner's letter about setbacks for alleys.

Mr. McCullough said that standard was not being addressed in this amendment.

Mr. Werner said with increasing the height he did not want it forced to be pulled back to the alley.

Mr. McCullough asked Mr. Werner if he thought there was something being changed in the language on how that issue was viewed.

Mr. Werner said when using the exception to increase the height it would be pushed further away from the alley and closer to the street.

Mr. McCullough said anything over and above the base zoning district standards requested by the applicant did not have to be approved so each project would be looked at.

ACTION TAKEN

Motioned by Commissioner Finkeldei, seconded by Commissioner Liese, to approve Text Amendment, TA-3-4-11, regarding revisions to the district criteria and development standards in the Planned Development Overlay District, with the following three changes:

1. To include a density calculation of .8 for three bedroom, .6 for two bedroom, .4 for one bedroom and studio.
2. To create minimum size for the PD district of ½ acre but with language similar to the old Code where the district size could be modified with City Commission approval.
3. Update regarding parking which would allow City Commission to increase or decrease the parking requirements.

Commissioner von Achen asked if that also included the height issues that they discussed.

Commissioner Finkeldei said his motion accepts staff's recommendation on changing the height.

Motion carried 5-2, with Commissioners Belt and Burger voting in opposition.