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**LAWRENCE HISTORIC RESOURCES COMMISSION**  
**ITEM NO. 7a: DR-8-136-11**  
**STAFF REPORT**

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**A. SUMMARY**

**DR-8-136-11** Consider text amendment to the 8<sup>th</sup> and Pennsylvania Urban Conservation Overlay District, including the *Design Guidelines 8<sup>th</sup> and Penn Neighborhood Redevelopment Zone*, in order to accommodate a residential proposal for property located at 619 E. 8<sup>th</sup> Street that exceeds the density limit currently noted in the guidelines. The Lawrence City Commission initiated this text amendment on August 9, 2011.

**B. PROJECT DESCRIPTION**

The applicant is requesting to amend *The Design Guidelines 8<sup>th</sup> and Penn Neighborhood Redevelopment Zone* to allow for a new redevelopment proposal that includes the rehabilitation of the Poehler Building at 619 E 8<sup>th</sup> Street, the duplex at 806 Pennsylvania Street, and the Vinegar Building at 810 Pennsylvania Street. Specifically, *The Design Guidelines 8<sup>th</sup> and Penn Neighborhood Redevelopment Zone* would be amended to change the maximum density allowed for the Poehler Building. (See attached design guidelines document with proposed changes **in red**.) In addition, information for clarification has been included in the proposed changes to the document.

**C. STANDARDS FOR REVIEW**

For Certified Local Government Review of projects involving listed properties, the Historic Resources Commission has typically used the Secretary of the Interior's Standards to evaluate the proposed project. Therefore, the following standards apply to the proposed project:

- 1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.*
- 2. The historic character of a property shall be retained and preserved. The removal of historic material or alteration of features and spaces that characterize a property shall be avoided.*
- 3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.*
- 4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.*
- 5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.*
- 6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match*

*the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.*

*7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.*

*8. Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.*

*9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.*

*10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historical property and its environment would be unimpaired.*

## **CHAPTER 20-308 OF THE LAND DEVELOPMENT CODE** **20-308URBAN CONSERVATION [OVERLAY DISTRICT](#)**

### **(a) Purpose**

The UC, Urban Conservation [Overlay District](#), is intended to:

- (1) encourage development that conforms to the size, orientation and setting of existing [Buildings](#) in a neighborhood or area;
- (2) reduce the need for zoning variances for development that conforms to the size, orientation and setting of existing [Buildings](#) in a neighborhood or area;
- (3) provide [Building Setbacks](#), [Lot](#) dimensions and related physical characteristics;
- (4) foster development that is compatible with the [Scale](#) and physical character of original [Buildings](#) in a neighborhood or area through the use of Development/Design Standards and guidelines; and
- (5) conserve the cultural resources, historic resources and property values within an identified neighborhood or area.

### **(b) Selection Criteria**

A UC District shall be a geographically defined area that has a significant concentration, linkage or continuity of sites that are unified by physical

development, architecture or historical development patterns. To be eligible for UC zoning, the area shall comply with the following criteria:

- (1) the general pattern of development, including Streets, Lots and Buildings, shall have been established at least 25 years prior to the Effective Date;
- (2) the area shall possess built environmental characteristics that create an identifiable setting, character and association;
- (3) the designated area shall be a contiguous area of at least five (5) acres in size. Areas of less than five (5) acres may be designated as an UC Overlay District only when they abut an existing five (5) acre or greater UC Overlay District.

(c) **Establishment of District**

UC Zoning Districts are established in accordance with the Zoning Map Amendment procedures of Section 20-1303, except as modified by the following provisions:

- (1) an application to establish a UC District may be initiated by the Historic Resources Commission, the Planning Commission or the City Commission;
- (2) applications may also be initiated by petition when signed either by the Owner of at least 51% of the area within the proposed UC District or by at least 51% of total number of Landowners within the proposed District;
- (3) the Historic Resources Commission and the Planning Commission shall hold public hearings, and submit written recommendations to the City Commission, regarding each application to establish a UC District;
- (4) the Historic Resources Commission is responsible for reviewing UC zoning applications for compliance with the selection criteria of Section 20-308(b) and for recommending development/design standards and guidelines for the District;
- (5) the Planning Commission is responsible for reviewing UC applications for its planning and zoning implications; and
- (6) the City Commission is responsible for making a final decision to approve or deny the Overlay District Zoning.

(d) **Procedure**

Upon receipt of an application for UC zoning or upon initiation of a UC zoning application by the City Commission, [Planning Commission](#) or [Historic Resources Commission](#), the following procedures apply:

- (1) unless otherwise expressly stated, the zoning map amendment procedures of Section 20-1303 apply;
- (2) public hearings on UC zoning applications shall be held by the [Historic Resources Commission](#) and the [Planning Commission](#) prior to consideration by the City Commission; and
- (3) the [Historic Resources Commission](#) shall make a recommendation that UC District zoning be approved, approved with conditions or denied. The [Historic Resources Commission's](#) recommendation shall be submitted to the [Planning Commission](#) and City Commission. The item shall be placed on the [Planning Commission](#) agenda after receipt of the [Historic Resources Commission's](#) recommendation. The recommendation shall be accompanied by a report containing the following information:
  - (i) an explanation of how the area meets or does not meet the selection criteria contained in Section 20-308(b);
  - (ii) in the case of an area found to meet the criteria in Section 20-308(b):
    - a. a description of the general pattern of development, including Streets, Lots and Buildings in the area; and
    - b. Development/Design Standards to guide development within the District;
  - (iii) a map showing the recommended boundaries of the UC District; and
  - (iv) a record of the proceedings before the [Historic Resources Commission](#);

(e) **Allowed Uses**

UC District Classifications do not affect the use of land, [Buildings](#) or [Structures](#). The use regulations of the [Base District](#) control.

(f) **Development/Design Standards**

In establishing a UC District, the [Historic Resources Commission](#) or [Planning Commission](#) are authorized to propose, and the City Commission is authorized to adopt, by ordinance, District-Specific Development and Design Standards (referred to herein as “Development/Design Standards”) to guide development and redevelopment within UC Districts:

- (1) when Development/Design Standards have been adopted, all Alterations within the designated UC District shall comply with those standards. For the purposes of this section, “Alteration” means any [Development Activity](#) that changes one or more of the “Exterior Architectural Features” of a [Structure](#), as the latter term is defined in Chapter 22 of the City Code;
- (2) when there are conflicts between the Development/Design Standards of the [Base District](#) and adopted UC District Development/Design standards, the UC Development/Design Standards will govern;
- (3) the Development/Design Standards will be administered by City staff in accordance with adopted administrative policy.

(g) **Appeals**

- (1) Notwithstanding the procedure set forth in Section 20-1311, a person aggrieved by a decision of the City staff, determining whether the Development/Design Standards have been met, may file a written appeal with the [Historic Resources Commission](#). The appeal shall be filed within ten (10) [Working Days](#) after the decision has been rendered.
- (2) A person aggrieved by a decision of the [Historic Resources Commission](#), determining whether the Development/Design Standards have been met, may file a written appeal with the City Commission. The appeal shall be filed within ten (10) [Working Days](#) after the decision has been rendered.
- (3) the City Commission is the final decision-making authority in determining whether a proposed project meets the adopted Development/Design Standards.
- (4) the Board of Zoning Appeals has no authority to grant interpretations, exceptions or variances from the adopted Development/Design Standards.

- (5) within thirty days after the City Commission's final decision, in passing upon an appeal pursuant to this Section, any person aggrieved by the decision may file an action in District Court to determine the reasonableness of the decision.

(h) **UC Districts Established**

The following UC Districts are established:

Conservation District Name	Boundaries
Downtown Urban Conservation <a href="#">Overlay District</a>	See Ord. No. 7395
8 <sup>th</sup> & Pennsylvania Urban Conservation <a href="#">Overlay District</a>	See Ord. No 8053

(i) **UC District Development/Design Standards Established**

The following UC [District Development/Design Standards and Administrative Policies](#) are established:

Conservation District Name	Development Standards and Administrative Policies
Downtown Urban Conservation <a href="#">Overlay District</a>	Downtown Design Guidelines 2009
8 <sup>th</sup> and Pennsylvania Urban Conservation <a href="#">Overlay District</a>	Design Guidelines 8 <sup>th</sup> and Penn Neighborhood Redevelopment Zone 2006

**20-309 INCORPORATION BY REFERENCE OF "THE DOWNTOWN DESIGN GUIDELINES 2009 EDITION"**

The "Downtown Design Guidelines December 16, 2008 Edition" prepared compiled, published and promulgated by the City of Lawrence, Kansas is hereby adopted and incorporated by reference as if fully set forth herein, and shall be known as the "Downtown Design Guidelines 2009 Edition". At least one copy of said text amendments shall be marked or stamped as "Official Copy as Adopted by Ordinance No. 8363 and to which shall be attached a copy of this ordinance, and filed with the City Clerk, to be open to inspection and available to the public at all reasonable business hours. The police department, municipal judge, and all administrative departments of the City charged with the enforcement of the ordinance shall be supplied, at the cost of the city, such number of official copies of such "Downtown Design Guidelines, 2009 Edition" marked as may be deemed expedient.

**20-310 INCORPORATION BY REFERENCE OF "THE DESIGN GUIDELINES 8<sup>TH</sup> AND PENN NEIGHBORHOOD REDEVELOPMENT ZONE"**

The "The Design Guidelines 8<sup>th</sup> and Penn Neighborhood Redevelopment Zone"

prepared compiled, published and promulgated by the City of Lawrence, Kansas is hereby adopted and incorporated by reference as if fully set forth herein, and shall be known as the "The Design Guidelines 8<sup>th</sup> and Penn Neighborhood Redevelopment Zone" At least one copy of said text amendments shall be marked or stamped as "Official Copy as Adopted by Ordinance No. 8363 and to which shall be attached a copy of this ordinance, and filed with the City Clerk, to be open to inspection and available to the public at all reasonable business hours. The police department, municipal judge, and all administrative departments of the City charged with the enforcement of the ordinance shall be supplied, at the cost of the city, such number of official copies of such "The Design Guidelines 8<sup>th</sup> and Penn Neighborhood Redevelopment Zone".

#### **D. STAFF ANALYSIS**

The Historic Resources Commission approved the UCO and *The Design Guidelines 8<sup>th</sup> and Penn Neighborhood Redevelopment Zone* in 2006 and forwarded a recommendation for approval to the Lawrence Douglas County Metropolitan Planning Commission and the Lawrence City Commission. The *Design Guidelines 8<sup>th</sup> and Penn Neighborhood Redevelopment Zone* were specifically tailored for a redevelopment project that was proposed at that time. The redevelopment project did not occur and the majority of the properties have been vacant and/or underutilized since 2006.

A new redevelopment plan has been proposed for a portion of the 8<sup>th</sup> and Pennsylvania Overlay District. The current plan would rehabilitate the Poehler Building as 49 residential units, continue the use of the existing duplex located at 806 Pennsylvania Street, and rehabilitate the Vinegar Building at 810 Pennsylvania Street as artist studio and office space. In order to accomplish this development process, the maximum density established by *The Design Guidelines 8<sup>th</sup> and Penn Neighborhood Redevelopment Zone* needs to be amended. The density identified in *The Design Guidelines 8<sup>th</sup> and Penn Neighborhood Redevelopment Zone* was set by the proposed uses --which included commercial and office uses -- of the Poehler Building in the 2006 development proposal. The current development proposal includes only the residential use. The following text (shown in red) is proposed to amend the document:

##### **DENSITY**

Mixed-use development requires adequate residential density so that critical mass may be achieved. As such, and except for the Poehler Mercantile Company building itself, the dwelling unit density shall not exceed thirty-four (34) units per net residential acre, as defined in the City of Lawrence Code Section 20-1007, or subsequent applicable City standards. Thirty-Four (34) units per acre were derived from the square footage of the Poehler Building divided by the number of residential units it is designed to hold if it were developed with a mix of uses. This number was compared to, and is lower than, the thirty-five (35) units per residential acre allowed in Lawrence Code for Planned Commercial Developments, Section 20-1008. Because the Poehler Building may develop solely with residential uses, the density for the Poehler building shall be unlimited and regulated by the number of parking spaces provided to support its residential use.

The proposed language allows for the increase in density of the Poehler Building while limiting the density of the remaining district.

Other proposed changes to the document include clarification of the current Land Development Code zoning classifications and the following changes to the height limitations for the district as



related to the Poehler Building.

#### **BUILDING HEIGHT**

The historic Poehler Mercantile Company building will serve as a visual anchor and reference point for the UC-O District. In keeping with the history of the area, the Poehler building is to remain the tallest structure in the District. **Rooftop appurtenances, such as cellular and radio antenna, chimneys, mechanical equipment and screening, etc. shall be limited to a height not to exceed 10'-0" above the tallest point of the existing roof of the building.**

To achieve that goal, all other buildings and structures, **including stand-alone cellular towers,** within the UC-O District shall have a maximum of three stories and 40'-0" above grade. ~~This height restriction would apply to all buildings in the UC-O District and structured cell towers. Cell towers with removable structures would also be allowed in the UC-O District and may exceed this height requirement.~~ **Rooftop appurtenances, such as cellular and radio antenna, chimneys, mechanical equipment and screening, etc. shall be limited to a height not to exceed 50'-0" above grade.**

The proposed changes to *The Design Guidelines 8<sup>th</sup> and Penn Neighborhood Redevelopment Zone* meet the intent of the established UCO and allow for the new development proposal. Staff is of the opinion the proposed changes meet the Secretary of the Interior's Standards for Rehabilitation and the criteria established in the City of Lawrence Land Development Code. The proposed changes to *The Design Guidelines 8<sup>th</sup> and Penn Neighborhood Redevelopment Zone* do not alter the previous finding of the HRC that this area meets the criteria established in the Land Development Code.

#### **Description of How the Area Meets the Selection Criteria:**

- **The general pattern of development, including streets, lots and buildings, must have been established at least 25 years prior to creation of the district.**

*According to the National Register of Historic Places multiple property documentation form for the City of Lawrence, Kansas and the National Register of Historic Places district nomination for the East Lawrence Industrial Historic District, the general pattern of development was established with the platting of the Original Townsite in 1854. The East Lawrence Industrial Historic District development began in 1864 and was clearly visible by 1905, according to Sanborn Fire Insurance Company Maps.*

- **The area must possess built environmental characteristics that create an identifiable setting, character, and association.**

*The National Register of Historic Places multiple property documentation form, the National Register of Historic Places district nomination for the East Lawrence Industrial Historic District, and the East Lawrence Neighborhood Plan finds that the proposed area creates an identifiable setting, character and particular association.*

- **The area must be covered by an approved neighborhood or area plan.**

*The proposed area is covered by the East Lawrence Neighborhood Revitalization Plan (2000) and East Lawrence Neighborhood Plan (1979)*

- **The designated area must be a contiguous area of at least 5 acres in area. Areas of less than 5 acres may be designated if they abut an existing UC-O district.**



*The proposed area exceeds the 5 acre minimum.*

**Commission Finding:**

Development of the subject area began in 1854 with the establishment of platted lots and dedicated rights of way. The general pattern of development, including streets, lots and buildings, of the subject area were established prior to 1981.

The subject area is known as part of East Lawrence Industrial area and has specific environmental characteristics that create an identifiable setting and character. These characteristics have been described in the National Register of Historic Places district nomination for the East Lawrence Industrial Historic District.

The proposed area is covered by the East Lawrence Neighborhood Revitalization Plan (2000) and East Lawrence Neighborhood Plan (1979), and contains more than 5 acres.

The proposed area meets the selection criteria.

**E. STAFF RECOMMENDATION**

Staff recommends that the Commission forward a recommendation for approval to the Lawrence City Commission for the proposed amendments to *The Design Guidelines 8<sup>th</sup> and Penn Neighborhood Redevelopment Zone* as outlined in this staff report and the attached *The Design Guidelines 8<sup>th</sup> and Penn Neighborhood Redevelopment Zone* document.