

Dear Planning Commission,

6-13-16 and 7-25-16

**The Lawrence Association of Neighborhoods (LAN) continues to enthusiastically support the proposed Design Guidelines and Overlay District for the Oread Neighborhood.** This document provides important tools that will help preserve the historic integrity of Oread and enhance the livability of the area for both renters and homeowners. This is an exceptionally well-crafted document.

These guidelines reflect the intention of the **Oread Neighborhood Plan** that specifies areas of varying density as well as addressing the unique characteristics of old town-site plans, which differs from newer city neighborhoods. Sensitive and thoughtful planning tools are important to address these differences and respect the historic and unique nature of the Oread Neighborhood.

Oread zoning was unwisely changed over 40 years ago from low density to the highest density in the city. This has created on-going problems and conflicts among property owners due to the single-family nature of the neighborhood (houses make up 80% of the neighborhood) and high density zoning that does not conform to existing structures or lot sizes.

Density should increase from single family, duplex, triplex, fourplex, and higher multi-dwelling units. No more than 4 unrelated individuals may live in a single dwelling unit (most often a house) in multi-family zoned areas. Rental units require parking standards. **It is essential to provide adequate parking in all rental units in the Oread Neighborhood.** All rentals units should have the same parking standard (one parking space per BR), including duplexes. Duplexes presently provide 50% less parking than other rentals due to the allowance of stacked parking. Stacked parking is not accessible parking. Oread streets should not become duplex parking lots.

The Planning Department has put together an impressive document that will be of great benefit to the Oread Neighborhood and the City. The Design Guidelines and the Overlay District will help promote increased stability and vitality in historic Oread by encouraging responsible development and redevelopment. Ideas of new urbanism will be apparent when both renters and homeowners live in a well-planned environment that considers the design and livability of the area.

Sincerely,  
Candice Davis, LAN Chair and Oread Resident

Dear Planning Commissioners:

7-25-16

As Chair of the Lawrence Association of Neighborhoods (LAN) I would like to remind you of the process that has taken place to develop the Design Guidelines and the Oread Overlay District.

The decision to create these guidelines through adoption of neighborhood overlay districts was a major recommendation of the revised Oread Neighborhood Plan, studied in 2008 and 2009, and adopted by the city commission in January, 2010.

The guideline process began after a \$50,000 planning grant was awarded the city in May 2011 to help preserve and stabilize the historic Oread Neighborhood. In February of 2012 consultants from Urban Development Services, from Austin, Texas, were hired to work to assist city staff in examining possible issues to be included in an overlay

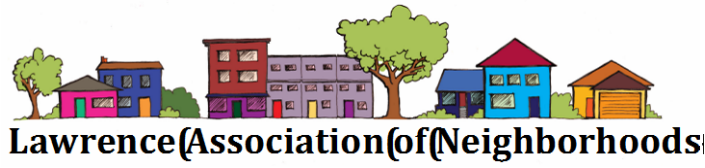
The first presentation meeting by the consultants was in February 2012, followed by five other open stakeholder meetings and workshops, 4-13-12, 4-14-12, 5-3-12, 8-2-12, 8-28-12. The last August meeting was open for public comment following a presentation by the consultants to the city commission.

A sub-committee was then formed by city planning staff. It consisted of two members of the planning commission, and two members of the historic resources commission, and city staff. Its charge was to review a draft set of recommendations, and create a document to be reviewed by the full HRC and planning commission and ultimately to this city commission. This subcommittee met over a dozen times in 2013. Preliminary work on a draft plan was understood to have been accomplished. Few meetings occurred in 2014 and in 2015. Five years have now gone by and we have yet to achieve a final approved document.

The overlay districts should follow the guidelines of the Oread Neighborhood Plan which took two years to develop and included all stakeholders in the neighborhood. At this point in time our lower density portion of the neighborhood is being threaten by combining lots and building structures not in keeping with our neighborhood plan. The overlay district was intended to help protect Oread's lower density zoned area (duplex) as well as protect the historic integrity of the entire neighborhood.

The Lawrence Association of Neighborhoods would like to see the Design Guidelines and the Overlay district finally approved for review by the City Commission. This effort has gone through an extensive public process. LAN looks forward to the conclusion of this process. Protection of our historic city neighborhoods is extremely important.

Thank you for your thoughtful consideration, Candice Davis LAN Chair



Dear Planning Commission,

6-13-16

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Sincerely,  
Candice Davis, LAN Chair and Oread Resident

Lynann L. Chance and John R. Haase  
1945 East 845 Road  
Lecompton, Kansas 66050  
(785) 887-6501

RECEIVED

JUN 14 2016

City County Planning Office  
Lawrence, Kansas

June 8, 2016

Lawrence – Douglas County Metropolitan Planning Commission  
Lawrence Historic Resources Commission  
6 East Sixth Street  
P.O. Box 708  
Lawrence, Kansas 66044

RE: Proposed Rezoning of 303 West Eleventh Street, Lawrence, Kansas

Dear Commission Members:

While we applaud your objective to stabilize the Oread Neighborhood, the impact on our property appears to be unnecessary, arbitrary, and disproportionate with respect to the recommendation for other commercial properties. **We respectfully request the property maintain its current commercial zoning.**

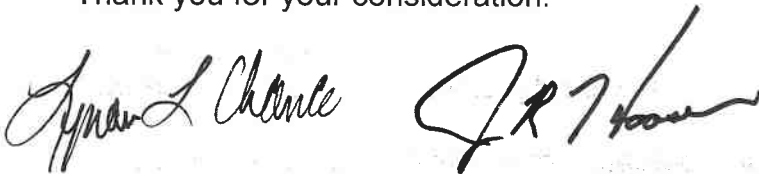
This property is on the fringe of the overlay district. It is adjacent to heavily trafficked streets controlled by two signalized intersections.

Similarly positioned commercial properties are being allowed to maintain their commercial zoning.

In 1987 a concrete block structure was replaced by the existing building that was designed to meld with the neighborhood. This would not have been possible if the proposed zoning was in place.

Should the proposed rezoning occur, we will regard it as a real estate "taking" and proceed accordingly. The property value will be diminished by approximately \$500K. We will seek to recover these damages and petition to have the property revalued and reclassified for property tax purposes. The cost to the community will be substantial; the gain will be of no consequence.

Thank you for your consideration.

The block contains two handwritten signatures in black ink. The signature on the left is 'Lynann L. Chance' and the signature on the right is 'John R. Haase'. Both are written in a cursive, flowing style.

Lynann L. Chance and John R. Haase



LAW OFFICES  
**BARBER EMERSON, L.C.**

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**LAWRENCE, KANSAS 66044**  
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JANE M. ELDREDGE  
MARK A. ANDERSEN\*  
TERRENCE J. CAMPBELL\*  
MATTHEW S. GOUGH\*

LINDA K. GUTIERREZ  
CATHERINE C. THEISEN  
BETHANY J. ROBERTS  
G. CLAYTON RANDLE\*  
LAUREN L. OBERZAN\*

Matthew S. Gough  
Email: [mgough@barberemerson.com](mailto:mgough@barberemerson.com)

RICHARD A. BARBER  
(1911-1998)

\*ADMITTED IN KANSAS AND MISSOURI

March 21, 2016

**VIA E-MAIL ONLY**

Mr. Scott McCullough, Director  
Planning and Development Services  
City Hall, 6 E. 6<sup>th</sup> Street  
Lawrence, KS 66044

Re: *Draft Oread Neighborhood Design Guidelines (the “Guidelines”)*

Dear Scott:

I have been engaged by multiple rental property owners in the Oread Neighborhood. Each of them have complied with the current Land Development Code (the “Code”) to make improvements to their properties. Much has been written in the Oread Neighborhood Plan (the “Plan”) and in the Guidelines about the need to preserve the aesthetic and feel of the neighborhood’s historic roots. However, nothing has been written about the wholesale creation of legal non-conformities these Guidelines appear to cause overnight because of the Guidelines’ limited parking options for Duplexes. If the Guidelines truly exist to “[e]ncourage quality development which protects investment and helps attract other quality developers,” and “[r]educ[e] tensions related to development/redevelopment within the neighborhood” (Guidelines, p. 4) the Guidelines need to expressly accommodate recently and lawfully updated multi-family structures. The applicability of the Guidelines must also be expressly limited to the scope of the “project” being initiated, must integrate with the Code, and must be fair, particularly regarding parking and repairs necessitated by Acts of God.

The Historic Resources Commission (“HRC”) and the Planning Commission should adopt and insert the following clarifications and revisions to the Guidelines:

- 1. The Guidelines shall be limited in applicability to the scope of the “project” being proposed.**

If an applicant files a building permit to replace a rotted or broken window, the Guidelines should only apply to the review and comment on that window, not all the windows. If an owner desires to replace the siding of a property, the Guidelines should apply only to the siding (and work directly related thereto, such as trim board replacement), not the front porch. The Guidelines must apply to the same extent as the work being proposed, and not more. City

Mr. Scott McCullough, Director  
Planning and Development Services  
March 21, 2016  
Page 2

Staff indicates verbally that this is the intent of the Guidelines, but an express reference is necessary to codify that intent.

2. **The Guidelines' parking requirements should only apply when and to the same extent that the parking regulations of the Code are triggered under Section 20-901, *et seq.*; provided, however, in the case of a structure that was site planned under the Code (i.e., after 2006), that structure's existing parking configuration should be *de facto* permitted if there is no proposed increase in occupancy.**

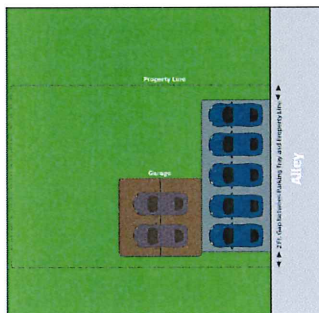
Today, the Code generally permits stacked parking on Duplexes, and owners in the neighborhood have relied upon that configuration to lawfully make significant improvements and obtain occupancy permits greater than what the Guideline's limited parking configurations would allow. *See*, Guidelines, p. 61-62. **Adoption of the Guidelines may create non-conformities on a large scale basis.** There would be no greater disincentive to updating, renovating and repairing properties in the Oread Neighborhood than the prospect of losing available off-street parking and, thus, losing permitted occupancy. Rental properties derive their value from the income they may create, and a reduction in occupancy may significantly reduce fair market value (and the tax base). The trigger for parking compliance under the Guidelines must, *at a minimum*, be identical to those under the Code.

Additional accommodation needs to be expressly made for those structures which have undergone site plan review since the adoption of the Code. If an eight bedroom Duplex has eight site-planned parking spaces, the Guidelines should not punish that property in the future by reducing parking, when a "project" does not increase occupancy. Adopting this accommodation does not increase density or parking in the neighborhood, and helps avoid the undesirable result of non-conforming status for the most recently updated properties. Imagine the potential hardship created by taking parking away from these properties (especially if taken involuntarily because of a fire or tornado) after having undergone the time consuming and expensive task of bringing them into compliance with the Code. Consider also the extreme disincentive to undertake "projects" that reduce parking.

**3. Legal non-conforming uses, structures and lots must be afforded the same protections from the implementation of the Guidelines as they are from the implementation of the Code.**

Article 15 of the Code acknowledges the existence of legal non-conforming uses, structures and lots, and the limitations and opportunities associated therewith. To the extent they are not protected by paragraph 2, above, owners who find themselves with non-conforming uses, structures, or lots (upon application of the Guidelines) deserve express protections regarding the perpetuation of those legal non-conformities. In this regard, whatever opportunities exist under the Code to renovate, expand, or rebuild those non-conformities should likewise exist under the Guidelines.

**4. The parking configuration depicted below should be re-inserted in the Guidelines because it is not “double-stacking.” This design should be an option in appropriate circumstances, determined on a case-by-case basis.**



It is unfair to completely eliminate today the possibility of allowing a Duplex more than five parking spaces in the future, especially for those properties that have been redeveloped since the adoption of the Code in 2006. The most recent draft of the Guidelines permit two limited configurations that effectively limit parking to five spaces on any Detached Dwelling or Duplex, and eliminates the only seven-car option.<sup>1</sup> The above configuration, which permits a two car garage and five outside spaces, should be re-inserted because (aesthetically, at least) it's not “double-stacking” if a garage door separates the cars. On a “case-by-case” basis, that configuration may be appropriate in the future.

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<sup>1</sup>The Guidelines accomplish the wholesale reduction of off-street parking without ever expressly saying that double stacking is prohibited or that no more than five spaces will be approved under the Guidelines. An outcome this significant should be achieved via a base zoning district amendment or by express text amendment to the Code, rather than being buried on pages 61-62 of the Guidelines, where they are unlikely to draw much attention.



- 5. When there is no alley behind a Lot, and when a property can accommodate parking on an existing driveway, parking should continue to be permitted in the driveway if a “project” does not increase occupancy.**

It may be practically impossible to provide for parking behind the front facade of a structure. The requirement on page 61 of the Guidelines (Section B4.b.ii) should be revised to “should” instead of “shall” in the case of “projects” that do not increase occupancy. The stricter requirement for rear parking should be limited to “projects” that propose to increase occupancy, and only to the extent of such increased occupancy.

- 6. When the “project” commences as a result of a casualty event (e.g., wind, fire, or hail) and when the “project” is financed by insurance proceeds, the implementation of the Guidelines should be reasonably applied to accommodate the availability of such proceeds.**

The Guidelines regularly call for the use of specialty building materials or designs that appear to be more expensive (labor and materials) than what may otherwise be permitted under the Building Code. For example, the Guidelines’ list of six permitted types of roofing material (Guidelines, p. 65) are likely more expensive than the “basic” 3-tab asphalt shingles being used on virtually all new construction (and roof replacements) in Lawrence. Front porch foundations must be supported by 16" x 16" columns and the space between the foundation columns must be infilled with wood siding, lattice, brick or stone. If an owner is unable to secure insurance proceeds to fully comply with the Guidelines, the Staff should have flexibility to accommodate the owner’s budget, at least with respect to properties that are not in a historic district.

- 7. The mere replacement of roofing materials should not trigger the Guidelines’ requirements for specialty roofing materials.**

Although the City’s website indicates that the replacement of roofing materials are exempt from the City’s building permit requirements,<sup>2</sup> the Code section referenced on that web page (*See* Section 5-144) does not appear to contain the same exemption. If, in fact, one needs a building permit to replace roofing materials (thereby triggering the applicability of the Guidelines), the mandatory use of “special” roofing materials in the Oread Neighborhood may create a disincentive to make ordinary and necessary roof repairs and replacements. If no permit is required, the Guidelines would not apply to the roof replacement anyway.

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<sup>2</sup>See: [https://www.lawrenceks.org/assets/pds/devservices/bsd/ds\\_bsd\\_permit\\_exemptions.pdf](https://www.lawrenceks.org/assets/pds/devservices/bsd/ds_bsd_permit_exemptions.pdf)

Mr. Scott McCullough, Director  
Planning and Development Services  
March 21, 2016  
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The Guidelines, as revised and clarified above, help establish predictability for those who voluntarily and deliberately undertake a "project" in the neighborhood (whether large or small), while avoiding unfair or uncertain outcomes for those who find themselves confronted with the Guidelines involuntarily following an insured casualty loss. Express language providing assurances regarding the applicability of new parking guidelines is essential to maintain investor (and lender) confidence, and does not increase density in the neighborhood.

Some proponents of the Guidelines (as currently drafted) may view them as an opportunity to reduce density by eliminating off-street parking. However, taking the stated goals of the Guidelines and the Plan at face value, we must not adopt Guidelines that achieve that end on a wholesale basis. To do so may stifle investment, reinforce the status quo, and lead to the neighborhood's decline over time. I do not believe the majority of owners in the neighborhood truly understand the impact of the Guidelines' parking configurations. Duplex owners would be more vocal if the effect of the Guidelines' were made more obvious. The revisions discussed above help achieve the goal of making the Guidelines understandable, functional, and fair, and they merit your sincere consideration.

Very truly yours,

BARBER EMERSON, L.C.



Matthew S. Gough

MSG:plh

cc: Lawrence-Douglas County Metropolitan Planning Commission (via e-mail only)  
Historic Resources Commission (via e-mail only)

**The Lawrence Association of Neighborhood (LAN) supports the Oread Guidelines and Overlay District with the exception of any allowed stacked parking.**

The **Design Guidelines and Overlay District** are important tools that can help preserve the historic integrity of the Oread Neighborhood. They should reflect the intention of the **Oread Neighborhood Plan**, which specifies areas of varying density. Single-family units (houses) make up 80% of the neighborhood. Oread zoning was changed over 40 years ago from low density to the highest density in the city. This has created problems and conflicts among property owners due to the single-family nature of the neighborhood and high density zoning that does not conform to existing structures or lot sizes.

**Density should increase incrementally from duplex, triplex, fourplex, and higher multi-dwelling units.** Problems have arisen because duplex parking codes allow stacked (tandem) parking. The Planning Commission is presently reviewing parking codes. Stacked parking allows an increase in the number of occupants without providing adequate access and regress for vehicles. **Additional logistical problems are created when located off of narrow allies versus wide city streets.**

Current city parking codes for dwelling units require:

**Single-family**-lowest density zoning (usually houses, family living, can stack cars in driveways).

**Duplex** –lowest density zoning in multi-family (can stack cars, may not be family-living).

**Triplex** – one parking space per BR (no stacked parking).

**Fourplex**- one parking space per BR (no stacked parking).

**Larger multi-dwelling units** - one parking space per BR plus one space per 10 units for visitors and guests (no stacked parking).

**Duplex, triplex, fourplex** indicate the number of units on a lot (4 unrelated individuals can live in one unit in multi-zoned areas, 3 unrelated in one unit in single-family zoned areas). The number of BR's is determined by the number of parking spaces that can be provided on each lot. Stacked parking could increase the number of BR's by as much as 50%. When stacking vehicles : Today's Duplex=2 units =4 BRs each side =8BRs Past Duplex=2units=2BRs each side=4BRs

**Four BR duplexes that allow stacked parking are attractive to developers as they increase profits.** Four BR duplexes “game” duplex regulations. These are not family-units but rather small apartment complexes, appealing to investors, but problems for lower density neighborhoods. Without adequate parking, duplex occupants crowd neighborhood streets when they avoid stacking their vehicles and use on-street parking spaces.

The Design Guidelines and the Overlay District will help promote increased stability and vitality in historic Oread by encouraging responsible development and redevelopment. Stacked parking should not be allowed.

Sincerely, Candice Davis

Oread Resident, Lawrence Association of Neighborhoods Chair

**From:** Sheila Stogsdill

**Sent:** Monday, February 29, 2016 10:12 AM

**To:** Bruce Liese (bruce@kansascitysailing.com); Bryan Culver (bcculver@gmail.com); David Clay Britton (clay.britton@yahoo.com); Eric Struckhoff (eric.c.struckhoff@gmail.com); Jim Carpenter (jecarpenter15@gmail.com); Jim Denney (denney1@sunflower.com); Julia Butler; Patrick Kelly (Pkelly@usd497.org); Pennie von Achen; Rob Sands

**Cc:** Scott McCullough; Lynne Zollner; Jeff Crick; Denny Ewert; (djbrown806@gmail.com); Diane Stoddard

**Subject:** FW: duplex tandem parking in core neighborhoods

Commissioners –

Please see the photos and message below from Dennis Brown.

This property is located in the 900 block of Maine in the proposed Urban Conservation Overlay - Oread Design Guidelines District 1 (Low Density) that is on your agenda March 21<sup>st</sup>.

**Sheila M. Stogsdill**, *Planning Administrator* - [sstogsdill@lawrenceks.org](mailto:ssogsdill@lawrenceks.org)

Planning & Development Services Department | [www.lawrenceks.org/pds](http://www.lawrenceks.org/pds)

City Hall, 6 E. 6th Street

P.O. Box 708, Lawrence, KS 66044-0708

office (785) 832-3157 | fax (785) 832-3160

**From:** Dennis Brown [<mailto:djbrown806@gmail.com>]

**Sent:** Sunday, February 28, 2016 3:51 PM

**To:** Sheila Stogsdill

**Subject:** Fwd: duplex tandem parking in core neighborhoods

Sheila, can you or Scott send this to Planning Commissioners?

----- Forwarded message -----

From: **Dennis Brown** <[djbrown806@gmail.com](mailto:djbrown806@gmail.com)>

Date: Sun, Feb 28, 2016 at 1:48 PM

Subject: Fwd: duplex tandem parking in core neighborhoods

To: Lynne Zollner <[lzollner@lawrenceks.org](mailto:lzollner@lawrenceks.org)>

Lynne, can you send this to HRC Commissioners?

----- Forwarded message -----

From: **Dennis Brown** <[djbrown806@gmail.com](mailto:djbrown806@gmail.com)>

Date: Sun, Feb 28, 2016 at 1:46 PM

Subject: duplex tandem parking in core neighborhoods

To: Diane Stoddard <[dstoddard@lawrenceks.org](mailto:dstoddard@lawrenceks.org)>

Diane, can you send this to City Commissioners? Feel free to post it on the City site.

Commissioners: I am attaching photos of what happens to older housing stock when its area is zoned for duplex up to four bedrooms a side and allows four space wide tandem parking to achieve the eight spaces required. Maximum density and profit is incentivized and preservation of old housing stock is a joke.

At the joint meeting of the HRC and PC a week and a half ago, there was much discussion about approving parking guidelines in the overlay plan that would not allow tandem parking in new duplex applications. This cannot happen fast enough for what is left of the Oread Neighborhood. The pictured property is in the 900 block of Maine.

Dennis J Brown LPA President











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**Desirable property development that will increase profits is now the 4 BR duplex that allows stacked parking.** Four BR duplexes “game” duplex regulations. The two BR family-oriented units of the past have now become small apartment complexes, appealing to investors, but problems for neighborhoods. Duplex occupants crowd neighborhood streets when they avoid stacking their vehicles and instead use on-street parking spaces.

Duplexes have become higher density, non-family, units in what should be lower density zoned areas. Parking is an effective tool to control density. Why should a duplex be allowed a parking advantage over other multi-zoned units? **Stacked parking leads to an increase in density without providing adequate parking, thus incentivizing building large duplexes in lower density zoned areas.**

The Design Guidelines and the Overlay District will help promote increased stability and vitality in historic Oread by encouraging responsible development and redevelopment.

Sincerely, Candice Davis      Oread Neighborhood Resident  
Chair, Lawrence Association of Neighborhoods