

Recess LDCMPC

Convene Joint Meeting with Historic Resources Commission

ITEM NO. 1 OREAD DESIGN GUIDELINES

Joint meeting with Historic Resources Commission for public hearing on Oread Design Guidelines.

ITEM NO. 2 TEXT AMENDMENT TO DEVELOPMENT CODE; OREAD DESIGN GUIDELINES

TA-12-00171: Text Amendment to the City of Lawrence Land Development Code, Chapter 20, Article 3 adopting the Oread Design Guidelines and incorporating them by reference. *Initiated by City Commission on 8/28/12.*

STAFF PRESENTATION

Mr. Jeff Crick presented the items.

Historic Resources Commissioner Hernly asked if the district that doesn't allow combining lots #5?

Mr. Crick said that was correct.

PUBLIC HEARING

Ms. Candice Davis, Lawrence Association of Neighborhoods, said the Design Guidelines and overlay districts were important tools that could help preserve the historic integrity of the Oread neighborhood, as well as other neighborhoods. She felt they should reflect the intention of neighborhood plans which specifies areas of varying density. She stated that single-family houses make up 80% of the Oread neighborhood. She said the Oread zoning was changed over 40 years ago from low density to the highest density in the city. She stated the high density zoning did not conform to existing structures or lot sizes. She felt the problem was that the lowest density area was zoned duplex. She said the duplexes had become the size of many apartment units. She expressed concern about stacked parking.

Mr. Jon Josserand said it was not inevitable that a ghetto had to exist next to a university. He felt duplexes had been widely abused. He said stacked parking wasn't allowed for tri-plexes, four-plexes, apartments, or commercial. He thanked staff for their work and agreed with the parking recommendations.

Mr. Paul Werner, Paul Werner Architects, discussed renovating older homes to make them safe. He said the houses were not going to be converted into single-family homes. He said some houses were too large to renovate and that the parking accommodated the investment. He said 1338 Ohio was currently being renovated into an 8 bedroom duplex but would be a non-conforming structure by the time the guidelines were finished. He showed before and after pictures on the overhead of houses his clients had renovated.

Mr. Matt Gough, Barber Emerson Law Firm, felt the guidelines should provide procedural clarity and fairness. He said a duplex destroyed by fire could not be rebuilt with the same amount of occupancy. He said the parking language was just one component of a 132 page document called Design Guidelines, not Parking Guidelines. He said there were a large number of properties in the Oread neighborhood that may have been built as single-family but were used as rental property. He showed a map on the overhead of rental properties in the area. He wondered how many of them would become non-conforming under the new guidelines. He felt they were taking a policy decision and putting it in the middle of a large document. He said rental properties worth was based on revenue and the amount of occupants. He felt they should accommodate the people who followed the code.

Ms. Janet Gerstner said she lived in the Oread Neighborhood for 10 years and one of the areas that disturbed her the most was north of the stadium. She felt large duplexes were a way around regulations. She expressed concern about stacked parking. She thanked staff for their time working on this.

COMMISSION DISCUSSION

Historic Resources Commissioner Hernly asked how many 60' plus lots were in zone 1.

Mr. McCullough said duplexes in the district north of the stadium would need a 60' wide lot and a certain number of square feet per lot to get two units on it. He said 23 parcels fit both that criteria in that district.

Historic Resources Commissioner Hernly asked how many parcels.

Mr. Crick said 142 parcels.

Historic Resources Commissioner Hernly asked how many of the 23 lots were developed as duplexes.

Mr. Crick said 18 of the 23 were identified as single-family structures in 2012.

Mr. McCullough said the duplex use was allowed in the rest of the Oread neighborhood.

Historic Resources Commissioner Hernly asked if zone 5 could have duplexes on 50' lots.

Mr. McCullough said that was correct.

Commissioner Kelly inquired about an accessory garage and parking behind it. He asked about how rare that could occur due to the depth behind the building and the depth of the lot.

Mr. Crick said it was very specific in geography of where it could and could not occur. He said it tended to occur mainly in district 1 which was north of the stadium. He said where it would occur would also be governed partially by a historic district.

Commissioner von Achen asked if stacked parking was only allowed in single-family and duplexes.

Mr. Crick said that was correct. He said anything above that would typically require a code compliant parking lot like an apartment complex.

Commissioner von Achen said that would not impact the houses Mr. Werner referred to.

Mr. Crick said it would be a parking space per bedroom. Above 10 would require one additional space for every 10. He said for example, a 10 bedroom unit would require 11 parking spaces which would require a code compliant parking lot.

Commissioner von Achen said they couldn't be stacked under the current code.

Mr. Crick said he believed that to be the case.

Mr. McCullough said they were mixing discussions of congregate living and duplex development. He said there were variances for the stacked parking for congregate living.

Commissioner von Achen asked if variances could be obtained for stacked parking with congregate living.

Mr. McCullough said a variance could be requested but that it wasn't common. He said they were talking about parking along alleyways, not driveways in the front yard.

Mr. McCullough said staff agreed with item #1 of Mr. Gough's letter that there needed to be clarified language on the scope of the project. He said item #3 regarding legal non-conforming lots afforded the same protection. He said regarding non-conforming, congregate living was only recently added to this section. He said it was a policy question before them tonight about whether they want to afford duplexes the protection to rebuild or not.

Commissioner Sands felt clarifying the scope should be included in the motion. He said they may need to address parking in each district. He wondered if stacked parking was more concentrated in certain districts.

Commissioner Kelly said he would be interested to hear from sub-committee members if the intention was to amortize stacked parking for duplexes.

Commissioner Culver said during his time on the sub-committee he did not hear any discussions about trying to reduce density, but rather preserving the integrity and character of the area. He felt there needed to be some protection for duplex owners.

Commissioner Britton inquired about the 60% threshold.

Mr. McCullough said it was based on the State Statutes. He said it was a rolling system of bringing properties into compliance.

Commissioner Britton asked if a person was just remodeling or renovating would it apply.

Mr. McCullough said no.

Historic Resources Commissioner Hernly asked if the number of tenants allowed in a single unit was not controlled by the number of parking spaces.

Mr. McCullough said that was correct.

Historic Resources Commissioner Hernly said by reducing the number of potential parking spaces without reducing the number of tenants parking would be forced onto the street.

Mr. McCullough said that was discussed as a possible unintended consequence. He said reducing parking and bedrooms would not necessarily reduce the number of occupants.

Historic Resources Commissioner Arp said the idea with the 60% threshold was that over time non-conforming properties, through acts of God, would slowly bring the area into total conformity with the code. He wondered if other areas of town had protection.

Mr. McCullough said non-conforming structures and non-conforming uses could seek a variance from the Board of Zoning Appeals or conform with a new use or rezone.

Historic Resources Commissioner Arp said it sounded like there were legal ways for someone to get a variance or comply with current code.

Mr. McCullough said there were no guarantees.

Historic Resources Commissioner Arp inquired about grandfathering these current non-conforming structures.

Mr. McCullough said the code could be very specific to reflect directly to these areas.

Historic Resources Commissioner Arp wondered why they wouldn't require non-conforming properties to go through a legal process on their own merits.

Mr. McCullough said that was the policy question before them.

Historic Resources Commissioner Fry said a variance wouldn't be an option.

Mr. McCullough said the guidelines would be the applied code but a variance would be able to be pursued.

Commissioner Britton asked if the Planning Commission and Historic Resources Commission recommendations needed to be the same.

Mr. McCullough said no.

Commissioner Carpenter asked Mr. Jon Josserand and Ms. Candice Davis about preserving what was there. He asked if the Design Guidelines were meant to preserve all the duplexes or create non-conforming uses.

Ms. Davis said no. She said the notion of duplexes and stacked parking was brought to the attention of the Planning Department years ago. She said most duplexes used to be small but have become large apartment complexes. She felt they were detrimental to the neighborhood. She said they needed to create balance for renters, home owners, and families living in the neighborhood, while preserving the integrity of the neighborhood.

Mr. Josserand said he did not believe the sub-committee ever discussed it. He did not feel there should be a different process for duplexes.

Commissioner Sands asked Mr. Werner about the 13 bedroom house example he mentioned earlier.

Mr. Werner said he received a variance for stacked parking with the support of the Oread Neighborhood Association because it was the best option for that structure.

Commissioner Sands asked what stacked parking allowed him to do with the rest of the lot.

Mr. Werner said it was landscaped and had 9 parking spots on the lot and off the alley.

Commissioner Sands asked what the next best options would be for non-stacked parking.

Mr. Werner said for 1338 Ohio Street the best thing would be to allow 5 cars off the alley. He said that option wouldn't add a garage or impervious surface. He said for a non-conforming structure it would be difficult to get a variance right after a rule change.

Commissioner Kelly said it was important to establish whether they wanted to preserve or back it up. He said he did not want to move anyone backwards. He would like to add four duplexes to the language of section 1503(e)(2).

Mr. McCullough asked if Commissioner Kelly was saying that if a structure was damaged past 60% they would get to keep the stacked parking.

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Commissioner Kelly said yes.

Commissioner Carpenter said he was having a hard time providing special protections for duplexes in the overlay district that don't exist for duplexes in other areas of town. He said some of the duplexes were bigger than congregate living.

Commissioner Britton said he was comfortable with the option for a variance when needed. He said it could slow renovations but that it was a balancing act.

Historic Resources Commissioner Buchanan Young asked who determined the 60%.

Mr. McCullough said it was based on an exercise that Planning and Development Services does sometimes on what the fair market value is from the County Appraisers office and the cost to repair. He said as it gets closer to the 60% threshold more information is needed, such as bids.

Commissioner Sands agreed with Commissioner Carpenter about the variance process and letting each project speak to its own merit, whether it's needed or not. He said there was already an established process.

Commissioner Struckhoff agreed that there was an avenue for special projects, such as requesting a variance.

Historic Resources Commissioner Buchanan Young said there were processes in place and she favored not protecting duplexes. She said regarding parking there was a cultural shift with millennials and they were not getting their driver's license as early.

Mr. McCullough clarified that in the overlay district in the design standards there were appeals to the standards that go to Historic Resources Commission for review, then to City Commission, then to District Court.

Historic Resources Commissioner Fry felt there ought to be protection for duplexes since the Board of Zoning Appeals was not an option.

Historic Resources Commissioner Quillin felt having appropriate channels would be the best avenue.

Historic Resources Commissioner Buchanan Young asked Historic Resources Commissioner Hernly if he had read through the guidelines.

ACTION TAKEN by Historic Resources Commission

Historic Resources Commissioner Buchanan Young made a motion to determine the proposed urban conservation overlay district meets the selection criteria under Chapter 20-308(b) and recommend approval for the UC district zoning and associated design guidelines to the Planning Commission and City Commission that the required 20-308(d)(3)(1-3) is included in the design guidelines document.

Historic Resources Commissioner Buchanan Young asked for someone else to make the motion.

Motioned by Historic Resources Commissioner Hernly, seconded by Historic Resources Commissioner Quillin, to determine the proposed urban conservation overlay district meets the selection criteria under Chapter 20-308(b) and recommend approval for the UC district zoning and associated design guidelines to the Planning Commission and City Commission that the required 20-308(d)(3)(1-3) is included in the design guidelines document.

Historic Resources Commissioner Hernly said the only ones they were adjusting were items #1 and #3 from Mr. Matt Gough's letter.

Motioned by Historic Resources Commissioner Hernly, seconded by Historic Resources Commissioner Arp, to approve with changes to include points #1 and #3 from Mr. Matt Gough's letter.

Unanimously approved 5-0.

ACTION TAKEN by Planning Commission

Commissioner Culver expressed concern about wholesale changes that could create legal non-conforming uses.

Commissioner Britton said there seemed to be difference between a renovation versus an act of God. He said he was less concerned about voluntary renovations having to meet new guidelines.

Commissioner Carpenter said they were creating non-conforming uses by adopting the guidelines and they should not add duplexes to the list. He felt any damage could be reviewed on a case-by-case basis.

Commissioner von Achen said they should not include duplexes. She stated that replacing large duplexes misses the point of what they were trying to do.

Commissioner Struckhoff said he did not want to include the exemption for duplexes.

Commissioner Butler did not feel an exemption for duplexes was warranted. She would like to see the neighborhood returned to its intended use.

Motioned by Commissioner Carpenter, seconded by Commissioner Kelly, to echo the motion by Historic Resources Commission to adopt the guidelines as recommended by staff, which would exclude including additional exemption to non-conformities for duplexes, with instructions to clarify points #1 and #3 from Mr. Matt Gough's letter.

Commissioner Culver encouraged City Commission to have further discussion about duplexes and how to retain and protect property owner rights.

Commissioner Britton said the variance and appeal process was enough to make the exceptions that need to be made for some of the duplexes or larger houses.

Commissioner Kelly said the guidelines were not just about parking and the 60% rule. He said there were a lot of wonderful things in the guidelines to protect and preserve a special part of Lawrence.

Approved 8-0.

Adjourn Joint Meeting Reconvene LDCMPC

ITEMS NO. 3A-3F RECOMMEND THE ESTABLISHMENT & ADOPTION FOR AN URBAN CONSERVATION OVERLAY DISTRICT (-UC) FOR 190.8 ACRES WITHIN THE OREAD NEIGHBORHOOD BASED UPON ADOPTION OF THE *OREAD NEIGHBORHOOD DESIGN GUIDELINES*. Districts 1-6 AS IDENTIFIED IN THE INTERACTIVE MAP: http://lawrenceks.org/pds/draft_plans

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Z-12-00172: Oread Design Guidelines District 1 (Low Density), 38.1 Acres, from RM12 (Multi-Dwelling Residential) District, RM12D (Multi-Dwelling Residential) District, RM32 (Multi-Dwelling Residential) District, U-KU (University) District to RM12-UC (Multi-Dwelling Residential – Urban Conservation Overlay) District, RM12D-UC (Multi-Dwelling Residential – Urban Conservation Overlay) District, RM32-UC (Multi-Dwelling Residential – Urban Conservation Overlay) District, U-KU-UC (University – Urban Conservation Overlay) District.

Z-12-00175: Oread Design Guidelines District 2 (High Density), 43.7 Acres, from MU (Mixed Use) District, MU-PD (Mixed Use – Planned Development Overlay) District, PCD (Planned Commercial) District, RM32 (Multi-Dwelling Residential) District, RM32-PD (Multi-Dwelling Residential – Planned Development Overlay) District, RMG (Multi-Dwelling Residential – Greek Housing) District, RMO (Multi-Dwelling Residential – Office) District, U-KU (University) District to MU-UC (Mixed Use – Urban Conservation Overlay) District, MU-PD-UC (Mixed Use - Planned Development Overlay - Urban Conservation Overlay) District, PCD-UC (Planned Commercial – Urban Conservation Overlay) District, RM32-UC (Multi-Dwelling Residential – Urban Conservation Overlay) District, RM32-PD-UC (Multi-Dwelling Residential – Planned Development Overlay – Urban Conservation Overlay) District, RMG-UC (Multi-Dwelling Residential – Greek Housing - Urban Conservation Overlay) District, RMO-UC (Multi-Dwelling Residential – Office District - Urban Conservation Overlay) District, U-KU-UC (University - Urban Conservation Overlay) District.

Z-12-00177: Oread Design Guidelines District 3 (Medium Density), 63.5 Acres, from CS (Commercial Strip) District, RM32 (Multi-Dwelling Residential) District, RMO (Multi-Dwelling Residential – Office) District to CS-UC (Commercial Strip - Urban Conservation Overlay) District, RM32-UC (Multi-Dwelling Residential - Urban Conservation Overlay) District, RMO-UC (Multi-Dwelling Residential – Office - Urban Conservation Overlay) District.

Z-12-00173: Oread Design Guidelines District 4 (Hancock Historic District), 4.8 Acres, from RM32 (Multi-Dwelling Residential – Urban Conservation Overlay) District to RM32-UC (Multi-Dwelling Residential – Urban Conservation Overlay) District.

Z-12-00174: Oread Design Guidelines District 5 (Oread Historic District), 28.9 Acres, from CS (Commercial Strip) District, RM32 (Multi-Dwelling Residential) District, RMO (Multi-Dwelling Residential – Office) District, RSO (Single-Dwelling Residential – Office) District to CS-UC (Commercial Strip – Urban Conservation Overlay) District, RM32-UC (Multi-Dwelling Residential – Urban Conservation Overlay) District, RMO-UC (Multi-Dwelling Residential – Office – Urban Conservation Overlay) District, RSO-UC (Single-Dwelling Residential – Office – Urban Conservation Overlay) District.

Z-16-00058: Oread Design Guidelines District 6 (Commercial), 11.9 Acres, from CN2 (Neighborhood Commercial) District, CS (Commercial Strip) District, RM32 (Multi-Dwelling Residential) District, RMO (Multi-Dwelling Residential – Office) District to CN2-UC (Neighborhood Commercial – Urban Conservation Overlay) District, CS-UC (Commercial Strip – Urban Conservation Overlay) District, RM32-UC (Multi-Dwelling Residential – Urban Conservation Overlay) District, RMO-UC (Multi-Dwelling Residential – Office – Urban Conservation Overlay) District.

ACTION TAKEN on Items 3A-3F

Motioned by Commissioner Kelly, seconded by Commissioner Carpenter, to approve rezoning of 190.8 acres to apply the –UC (Urban Conservation Overlay District), and forwarding these items to the City Commission with a recommendation for approval based on the findings of fact found in the staff report.

Unanimously approved 8-0.

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