

ITEM NO. 10 EAST LAWRENCE REZONINGS (BJP)

East Lawrence Rezoning of multiple properties to align the properties' current use with the zoning districts that contain the appropriate density and intensity standards to support the uses, as identified in the interactive map available here: lawrenceks.org/pds/rezoning

The properties to be rezoned are in an area of the East Lawrence neighborhood, as identified on a map in the Staff memo, and generally bound by 9th Street to the south, Rhode Island Street to the west, various streets to the east but no farther than the alley between New Jersey Street and Pennsylvania Street, and the Kansas River to the north. This item will receive a hearing before the Planning Commission with notice to all affected properties and to owners within 400 feet of the affected properties. *Initiated by City Commission on 12/6/16.*

Z-17-00098: Consider a request to rezone 82 properties from RM24 (Multi-Dwelling Residential) District to RS5 (Single-Dwelling Residential) District.

Z-17-00099: Consider a request to rezone 22 properties from RM24 (Multi-Dwelling Residential) District to RM12D (Multi-Dwelling Residential) District.

Z-17-00100: Consider a request to rezone 10 properties from RSO (Single-Dwelling Residential-Office) District to RS5 (Single-Dwelling Residential) District.

Z-17-00101: Consider a request to rezone 2 properties from RSO (Single-Dwelling Residential-Office) District to RM12D (Multi-Dwelling Residential) District.

Z-17-00102: Consider a request to rezone 627 Connecticut from RSO (Single-Dwelling Residential-Office) District to RM24 (Multi-Dwelling Residential) District.

Z-17-00103: Consider a request to rezone 5 properties from CS (Strip Commercial) District to RS5 (Single-Dwelling Residential) District.

Z-17-00104: Consider a request to rezone 738 Rhode Island from CS (Strip Commercial) District to RM12D (Multi-Dwelling Residential) District.

STAFF PRESENTATION

Ms. Becky Pepper presented the item.

PUBLIC HEARING

Mr. Brent Morrison, 812 Rhode Island, opposed the rezoning. He wanted the rezoning of his property to be denied. He said he was in the process of purchasing 816 Rhode Island. He felt the rezoning took away from the flexibility of the property.

Ms. KT Walsh, 732 Rhode Island, East Lawrence Neighborhood, thanked staff for their time. She said two different value systems were at play and that some people view the neighborhood as property and profit. She said the neighborhood was under development pressure. She wanted the character of the neighborhood to stay the same without increased density. She wondered how the City viewed "unrelated" when it came to foster children and the Lesbian Gay Bisexual Transgender, Questioning (LGBTQ) community. She felt that 816 Rhode Island should remain zoned RS5.

Ms. Kristin Morland, 737 Connecticut, expressed opposition to the rezoning. She said rezoning would not change East Lawrence and she did not feel it was fair. She felt there were other issues to spend time on and better ways to be productive, such as improving crumbling sidewalks and alley's in East Lawrence.

Ms. Marci Francisco, 1101 Ohio, was in favor of the rezonings and felt properties should remain single-family.

Mr. Michael Almon, 1311 Prairie Ave, spoke in favor of the rezonings. He said the Brook Creek Neighborhood had been stabilized by RS7 zoning.

Ms. Pam Blackburn, 830 Connecticut, supported the rezonings. She said the goal was to keep the neighborhood as a family oriented neighborhood.

Mr. Jan Schaaake, 800 New York, did not feel the rezoning was an appropriate category to best serve the neighborhood.

Mr. Timothy Morland, 737 Connecticut, was opposed to the rezonings.

Mr. Bob Johnson said owned the building on the south side of 8th Street and west side of Rhode Island. He wondered why those not wanting to be zoned couldn't just opt out.

Ms. Phyllis Payne, 305 E 7th St, said her site would be excluded from rezoning because it had a commercial building. She supported the staff recommendation.

COMMISSION DISCUSSION

Commissioner Kelly asked staff to respond to public questions.

Mr. McCullough said staff evaluated the excluded requests. He said regarding the unrelated persons policy it would match the current policy and would not change how unrelated persons was defined in the Code.

Commissioner von Achen asked staff about the disadvantages with having property be non-conforming.

Ms. Pepper said the properties with a non-conforming use may not be able to rebuild that use if destroyed/damaged 60% beyond fair market value. She said obtaining a variance from the Board of Zoning Appeals to remedy those non-conforming land use issues would supersede that and the property owner would be allowed to rebuild those land uses in the event it was destroyed.

Mr. McCullough said banks were looking at properties more carefully to make sure they were getting a legally permitted property. He said there were three ways to be non-conforming through lots, structures, and use. He said Accessory Dwelling Units were not allowed in RS5 zoning but that the few that existed would be registered as non-conforming. He said if damaged past 60% of their fair market value an Accessory Dwelling Unit could not be rebuilt.

Commissioner Culver asked if other options were considered such as overlays and guidelines.

Mr. McCullough said staff discussed with City Commission the zoning tool of Urban Conservation Overlay District. He said additional historic districts was a tool that could be used to preserve patterns and character of neighborhoods. He said downzoning to the existing use was a pretty powerful zoning tool. He said guidelines only spoke to the character and standards not the use.

Commissioner Kelly asked staff to respond to the written correspondence.

Mr. McCullough said Mr. Jim Slough challenged the notion that rezoning would reduce gentrification. He felt that rezoning would spur gentrification by the means that people would invest in larger homes and increase property values.

Commissioner von Achen said according to the staff report there were 32 homes with licenses to rent out rooms.

Ms. Pepper said that was correct.

Commissioner von Achen asked about past instances of downzoning and the three year period.

Ms. Stogsdill gave two examples. She said in 2001 when the definition of family was changed from 4 unrelated to 3 unrelated for RS zoned properties. She said a few years later a portion of Old West Lawrence was rezoned from to RM to RS and the same three year period was offered to those properties.

Commissioner Kelly said residents like the uniqueness of East Lawrence and don't want it turning into lots of multi-family spaces. He said the rezoning accurately reflected the neighborhood and seemed to be a good plan that listened to the community in preserving history.

Commissioner Britton said when pressure develops in the future for more multi-family there will be the opportunity to come back and reevaluate. He felt the current proposal would set the area up to preserve the character.

Commissioner Struckhoff said the vitality of downtown depended on some density. He supported the preservation of the single-family nature of the neighborhood but also supported the preservation of the historic multi-family aspect as well. He was inclined to support the rezonings and felt it was a good starting point to plan for the future.

Commissioner Sands said he was in favor of the rezoning and did not see any of the Golden Factors being violated by this plan. He felt it would provide security to the neighborhood.

Commissioner Willey said she used to live at 837 Connecticut St and she loved the eclectic nature of the neighborhood. She felt the plan captured that character and she supported it. She said staff had been very responsive to individual owners and their vision for their property.

Commissioner Carpenter said the map represented what the neighborhood was. He said the neighborhood had struggled with pressures throughout history.

Commissioner Culver expressed concern about wholesale changes to an area and felt there was a lot of room for error. He said most issues had been addressed and mitigated on the front end but he felt it was difficult to downzone on a wholesale basis when it could take away rights from property owners. He said the occupancy limit could have a negative impact to an owner's investment. He stated there was no perfect outcome for this but the positives outweighed the negative. He said he would support the staff recommendation.

Commissioner von Achen said high density residential was a good tool to prevent sprawl but that they need to be careful where they put it. She said this was a wonderful area of town and she wanted to be sure it stayed that way. She expressed concern about the occupancy being changed from 4 unrelated to 3 unrelated. She wondered if some people would not be able to afford to live in their house without 4 unrelated people living there. She said she would support the staff recommendation and generally liked what it would do. She felt more thought should be given to the occupancy rate and possibly providing a longer period of grace.

Commissioner Willey said there probably were not that many 4 bedroom houses in East Lawrence since many houses in the area were small. She said the market would be better at determining how many people live in a house.

Ms. Bonita Yoder, concerned about the impact of having two houses on one lot.

Mr. McCullough said lots with an Accessory Dwelling Unit being zoned to RS5 would create a legal non-conforming use. He said if it was destroyed past 60% of its fair market value then it could not be rebuilt.

ACTION TAKEN on Item 10A

Motioned by Commissioner Sands, seconded by Commissioner Carpenter, to approve the request to rezone, Z-17-00098, 79 properties from RM24 (Multi-Dwelling Residential) District to RS5 (Single-Dwelling Residential)

District and forward to the City Commission with a recommendation for approval based on the findings of fact found in the staff report.

Unanimously approved 10-0.

ACTION TAKEN on Item 10Bi

Motioned by Commissioner Sands, seconded by Commissioner Carpenter, to approve the request to rezone, Z-17-00099A, 21 properties from RM24 (Multi-Dwelling Residential) District to RM12D (Multi-Dwelling Residential) District and forward to the City Commission with a recommendation for approval based on the findings of fact found in the staff report.

Unanimously approved 10-0.

ACTION TAKEN on Item 10Bii

Motioned by Commissioner Sands, seconded by Commissioner Carpenter, to approve the request to rezone, Z-17-00099B, 1 property from RM24 (Multi-Dwelling Residential) District to RS5 (Single-Dwelling Residential) District and forward to the City Commission with a recommendation for approval based on the findings of fact found in the staff report.

Unanimously approved 10-0.

ACTION TAKEN on Item 10C

Motioned by Commissioner Sands, seconded by Commissioner Carpenter, to approve the request to rezone, Z-17-00100, 10 properties from RSO (Single-Dwelling Residential-Office) District to RS5 (Single-Dwelling Residential) District and forward to the City Commission with a recommendation for approval based on the findings of fact found in the staff report.

Unanimously approved 10-0.

ACTION TAKEN on Item 10D

Motioned by Commissioner Sands, seconded by Commissioner Carpenter, to approve the request to rezone, Z-17-00101, 2 properties from RSO (Single-Dwelling Residential-Office) District to RM12D (Multi-Dwelling Residential) District and forward to the City Commission with a recommendation for approval based on the findings of fact found in the staff report.

Unanimously approved 10-0.

ACTION TAKEN on Item 10E

Motioned by Commissioner Sands, seconded by Commissioner Carpenter, to approve the request to rezone, Z-17-00102, 627 Connecticut from RSO (Single-Dwelling Residential-Office) District to RS5 (Single-Dwelling Residential) District and forward to the City Commission with a recommendation for approval based on the findings of fact found in the staff report.

Unanimously approved 10-0.

ACTION TAKEN on Item 10F

Motioned by Commissioner Sands, seconded by Commissioner Weaver, to approve the request to rezone, Z-17-00103, 4 properties from CS (Strip Commercial) District to RS5 (Single-Dwelling Residential) District and

forward to the City Commission with a recommendation for approval based on the findings of fact found in the staff report.

Unanimously approved 10-0.

ACTION TAKEN on Item 10G

Motioned by Commissioner Sands, seconded by Commissioner Weaver, to approve the request to rezone, Z-17-00104, 738 Rhode Island from CS (Strip Commercial) District to RM12D (Multi-Dwelling Residential) District and forward to the City Commission with a recommendation for approval based on the findings of fact found in the staff report.

Unanimously approved 10-0.