

PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item

PC Staff Report
3/21/16

ITEM NO. 3A-3F REZONING TO APPLY THE URBAN CONSERVATION OVERLAY DISTRICT (-UC) TO 190.8 ACRES WITHIN THE OREAD NEIGHBORHOOD; *OREAD NEIGHBORHOOD DESIGN GUIDELINES* (JSC)

Z-12-00172: Oread Design Guidelines District 1 (Low Density), 38.1 Acres

RM12, RM12D, RM32, U-KU to RM12-UC, RM12D-UC, RM32-UC, U-KU-UC

Z-12-00175: Oread Design Guidelines District 2 (High Density), 43.7 Acres

MU, MU-PD, PCD, RM32, RM32-PD, RMG, RMO, U-KU to MU-UC, MU-PD-UC, PCD UC, RM32-UC, RM32-PD-UC, RMG-UC, RMO-UC, U-KU-UC

Z-12-00177: Oread Design Guidelines District 3 (Medium Density), 63.5 Acres

CS, RM32, RMO to CS-UC, RM32-UC, RMO-UC

Z-12-00173: Oread Design Guidelines District 4 (Hancock Historic District), 4.8 Acres

RM32 to RM32-UC

Z-12-00174: Oread Design Guidelines District 5 (Oread Historic District), 28.9 Acres

CS, RM32, RMO, RSO to CS-UC, RM32-UC, RMO-UC, RSO-UC

Z-16-00058: Oread Design Guidelines District 6 (Commercial), 11.9 Acres

CN2, CS, RM32, RMO to CN2-UC, CS-UC, RM32-UC, RMO-UC

STAFF RECOMMENDATION: Staff recommends approval of 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 this staff report.

KEY POINTS

- The *Oread Neighborhood Plan* was adopted by the City Commission in 2010.
- The *Oread Neighborhood Plan* is incorporated into *Horizon 2020*, Chapter 14: Specific Plans.
- These rezoning requests were initiated by the City Commission on August 28th, 2012.
- The implementation of the Urban Conservation Overlay District would implement the *Oread Neighborhood Design Guidelines*, which was a recommendation of the *Oread Neighborhood Plan*.
- These applications do not change the base zoning districts; they only apply the –UC overlay to the existing districts.

ASSOCIATED CASES/OTHER ACTION REQUIRED

TA-12-00171: Consider a Text Amendment to the Land Development Code, Chapter 20 of the Code of The City of Lawrence, Kansas to include the *Oread Neighborhood Design Guidelines*. Initiated by City Commission on 8/28/2012.

OTHER ACTION REQUIRED:

- City Commission approval of rezonings and adoption of ordinances.
- Publication of rezoning ordinance.

PLANS AND STUDIES REQUIRED

- | | |
|---|----------------------------|
| • <i>Traffic Study</i> | Not required for rezoning. |
| • <i>Downstream Sanitary Sewer Analysis</i> | Not required for rezoning. |
| • <i>Drainage Study</i> | Not required for rezoning. |
| • <i>Retail Market Study</i> | Not required for rezoning. |

PUBLIC COMMENT

General inquiries from the public regarding scope of the proposed rezoning requests. Staff has clarified for callers that the current requests are for the accompanying text amendment and the rezoning cases. Please see attached list.

GENERAL INFORMATION:

Project Summary

The establishment of the *Oread Neighborhood Design Guidelines* is an action step of the *Oread Neighborhood Plan*, which was adopted by the City Commission in September 2010. In the spring of 2011, Planning staff received a Historic Preservation Fund grant to draft design guidelines for the overlay districts identified in the plan. The grant was accepted by the City Commission on June 7th, 2011. Staff subsequently issued a request for proposals for a consultant, which resulted in the selection of Urban Development Services with Ann Benson McGlone to help begin developing the guidelines.

Staff began working with the consultant in January 2012. The first visit by the consultants occurred in February 2012 where they met with staff, design professionals, The Oread Residents Association representatives, and Oread Neighborhood Association representatives.

The first round of public meetings occurred on April 13th and April 14th, 2012. Over 400 letters were mailed to property owners, an email was sent to the *Oread Neighborhood Plan* email listserv, newspaper ads were published advertising the meetings, and information was posted on the City of Lawrence website. The April 13th meeting was held at the Lawrence Public Library, where approximately 30 people attended, at which the consultants were introduced, the general concepts of design guidelines were discussed and a community input activity was completed. This activity was used to identify preferences and what items/issues were important in the neighborhood. The information from this activity was later used as the goals

of the guidelines. The April 14th workshop at the Carnegie Building was held for attendees to help identify archetypal development patterns within the neighborhood.

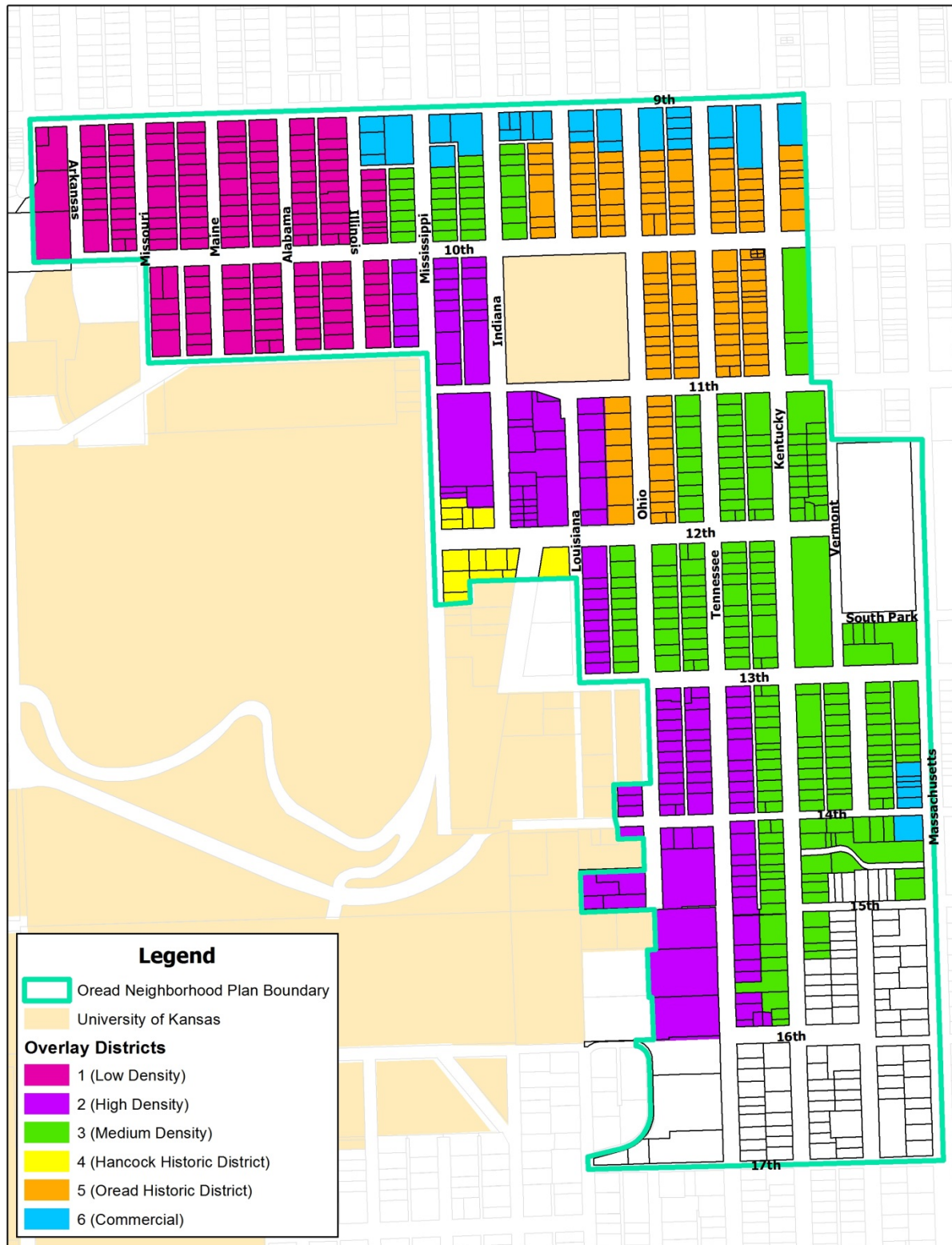


Figure 1: Proposed Oread Neighborhood Design Guideline Districts



The next public meeting was held on May 3rd, 2012 at the Lawrence Public Library, at which approximately 20 people were in attendance. The consultants provided a summary and the findings of the April meetings, and showed examples to demonstrate what type of density and development the attendees would find acceptable in the neighborhood.

The fourth public meeting was held on August 2nd, 2012 at the Lawrence Public Library where approximately 15 people attended. The consultants introduced details of the draft design guidelines, though the actual document was not provided.

In January 2013, a joint Planning Commission/Historic Resources Commission subcommittee was established to review the draft of the *Oread Neighborhood Design Guidelines*, in order to prepare them for public consumption and review. Each commission appointed two members to this subcommittee. The Subcommittee's review process was completed in November 2015, after which a draft was made available for the public in December 2015. On January 13th, 2016 a public meeting was held at the Lawrence Public Library, at which approximately 25 people attended, to present the guidelines and receive feedback.

The *Oread Neighborhood Design Guidelines* are built on a strong history of community planning. Beginning in 1979, the neighborhood created the original *Oread Neighborhood Plan*. In 1998, the neighborhood participated in the citywide *Horizon 2020: The Comprehensive Plan for Lawrence and Unincorporated Douglas County*. The Hancock Historic District was listed in the National Register of Historic Places in 2004, and in 2007, the Oread Historic District was placed on the National Register of Historic Places. An updated *Oread Neighborhood Plan* was adopted in 2010.

These design guidelines are based on the goals, policies, and implementation strategies outlined in the 2010 *Oread Neighborhood Plan*. Listed on the following page are those policies and strategies that are specific to the overlay district design guidelines.

REVIEW & DECISION-MAKING CRITERIA

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

The initial *Oread Neighborhood Plan* was adopted by the City Commission in 1979, and the revised neighborhood plan was adopted in 2010. The revised neighborhood plan was incorporated into *Horizon 2020* Chapter 14: Specific Plans (CPA-9-21-09 / Ordinance [8496](#)) on September 28th, 2010.

Only the implementation strategies of the *Oread Neighborhood Plan* were the consideration of creating an overlay district. These rezonings, and the associated Text Amendment, begin to attain one of the key implementation strategies for this neighborhood plan.

Staff Finding – The request to rezone the properties within the identified overlay districts with the –UC (Urban Conservation Overlay) District conforms to Chapter 14: Specific Plan and the *Oread Neighborhood Plan*.

2. ZONING AND LAND USES OF NEARBY PROPERTY, INCLUDING OVERLAY ZONING

Current Zoning and Land Use: CN2 (Neighborhood Commercial District); Mass. St. Music, Footprints Shoe Store.

CS (Commercial Strip District); various retail and commercial uses along W. 9th Street.

GPI (General Public and Institutional Use District); Lawrence Carnegie Building and Lawrence Community Building.

MU (Mixed Use District); Bullwinkles and residential uses.

MU-PD (Mixed Use District – Planned Development Overlay); HERE Kansas Student Housing.

PCD (Planned Commercial District); Oread Hotel.

RM12 (Multi-Dwelling Residential District, 12 Dwelling Units per Acre); residential uses.

RM12D (Multi-Dwelling Residential District, 12 Dwelling Units per Acre - Duplex); residential uses.

RM32 (Multi-Dwelling Residential District, 32 Dwelling Units per Acre); residential uses.

RM32-PD (Multi-Dwelling Residential District, 32 Dwelling Units per Acre – Planned Development Overlay); residential uses.

RMG (Multi-Dwelling Residential – Greek Housing District); Alpha Epsilon Pi, Alpha Sigma Chi, Beta Theta Pi, Kappa Alpha Theta, Pi Kappa Phi, and Alpha Gamma Delta.

RMO (Multi-Dwelling Residential – Office District); residential and office uses.

RSO (Single-Dwelling Residential – Office District); residential and office uses.

U-KU (University District – KU); vacant parcel.

Surrounding Zoning and Land Use: To the north: RS5 (Single-Dwelling Residential – 5,000 square feet) District and CS (Commercial Strip) District. Existing uses include various retail establishments, and existing residential dwellings.

To the west: U-KU (University District - KU); The

University of Kansas Main Campus, Gertrude Sellards Pearson and Corbin Residence Halls.

To the east: CD (Downtown Commercial) District, GPI (General Public and Institutional Use) District, OS (Open Space) District, CN2 (Neighborhood Commercial) District, RS5 (Single-Dwelling Residential – 5,000 square feet) District, and RS7 (Single-Dwelling Residential – 7,000 square feet) District. Existing uses include, Downtown Lawrence, South Park, Community Building, and existing residential dwellings

To the south: RS5 (Single-Dwelling Residential – 5,000 square feet) District, and RM32 (Multi-Dwelling Residential – 32 Dwelling Units) District. Existing residential dwellings.

Staff Finding: The zoning surrounding the proposed Urban Conservation Overlay District is compatible with the zoning within the proposed district. The rezoning cases would not alter the existing base zoning presently established. Adoption of the overlay district would be compatible with the surrounding zoning.

3. CHARACTER OF THE AREA

Neighborhood-Wide

Historically, the Oread neighborhood has contained a mixture of uses with a dominant residential character via a variety of structure types. The history of the neighborhood traces back to just after the American Civil War as Lawrence was beginning to grow around the 1870s. Initially, the neighborhood appealed to upper-middle class residents, where they looked for space to construct the larger homes that still make up a significant portion of the neighborhood today.

In addition to its proximity to Downtown Lawrence, the Oread Neighborhood's proximity to the University of Kansas helped drive the initial growth and development of the neighborhood. The proximity of KU clearly influenced the development patterns of the neighborhood. Many of the neighborhood residents between 1874 and 1899 were university students. The first campus dormitory was not built until 1923, so several homes in the neighborhood were operated as congregate living. Families with university age students also moved into the neighborhood so their children could attend KU and live in close proximity.

As the University of Kansas began to take on greater importance in the local economy after 1900, the town's growth was slow while University enrollment increased dramatically. This led to a number of commercial properties to develop around KU's Main Campus. This created a concern among the nearby property owners, as well as city officials, resulting in the first Lawrence Planning Commission and zoning ordinance to be created in June 1926. The 1926 Zoning Ordinance allowed for apartments, congregate living, and fraternity and sorority houses within the Oread Neighborhood. As a result, a large number of students lived in the area immediately east and northeast of the University. Therefore, the Oread Neighborhood was increasingly been associated with student housing since the turn of the 20th Century, with many

structures being converted to private congregate living uses. In addition to students, the neighborhood remained popular for University faculty as well. After the turn of the 20th Century, important Lawrence business leaders also moved into the Oread neighborhood and constructed new residences, while the neighborhood continued to attract middle class families.

The Oread Neighborhood was still attractive for families during the early 20th Century. In addition to electricity, water and sewer, the streets and even some alleys were paved, curbing was introduced, and stone or brick sidewalks were installed. During the 1930s, and again in the post-war boom of the 1940s & 1950s, many of the larger homes were converted to apartments, cooperatives, or Greek houses. However, by the 1970s, new residents with an interest in rehabilitating historic homes began moving into the neighborhood. The growing appreciation for historic buildings resulted in several residences being rehabilitated and returned to single-family use. The new residents of the Oread Neighborhood worked to establish Lawrence's preservation ordinance, and nominated the east side of the 1000 block of Ohio Street and the west side of the 1000 block of Tennessee Street as the first local historic district in 1991.

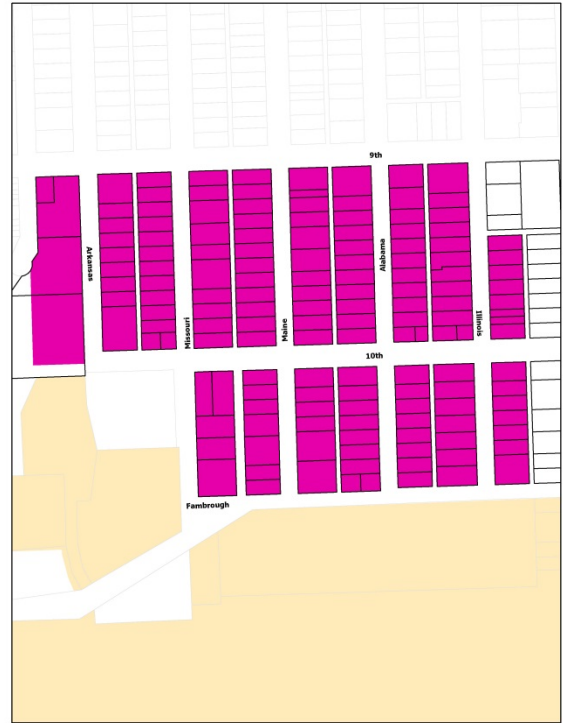
Over the course of time, the Oread Neighborhood developed in a distinct and unique way that is visible in the five districts that were identified in the 2010 *Oread Neighborhood Plan*. Each of the districts is unique in its architecture, as well as in the forces they experience in today's environment. In the *Oread Neighborhood Design Guidelines*, these districts are defined by their key distinctive aspects. Through the guidelines development process, a sixth district containing commercial properties at the edges of the neighborhoods were also identified.

The following is a brief synopsis of each of the six proposed districts to provide more insights into their exact foundations and specific histories.

Z-12-00172: District 1

Located just north of the University of Kansas, this district is predominately comprised of single-family residences with intermittent duplexes, triplexes, and quadraplexes. This district is less dense (6 or less dwelling units per acre) than most parts of Oread neighborhood, with smaller scale homes, larger yards, and houses spaced farther apart. The many one story homes in this area provide it with its unique character.

The district is composed of a wide variety of architectural styles constructed over a long period. Within this district you will find Victorian Queen Annes, Craftsman Bungalows, and 20th Century Revival Tudors. This was the last area of the neighborhood to develop; therefore, Post-War Minimal Traditional houses are unique to this area. More recent apartments exist on the fringes, mainly on the western side of the district.



Z-12-00177: District 3

District 3 is located primarily on the eastern edge of the Oread Neighborhood, and serves as the basis for the design guidelines for all 5 residential districts. The other district guidelines within Chapter 5 of the Guidelines are modifications to this standard tailored to their own distinctive characteristics.

Most off-street parking is accessed from alleys, so driveways are rare. The homes sit back from the street with simple, elegant façades. Wide, shaded porches add to the character. The original single-family homes, constructed between the 1880s and the 1900s, are generally two stories and represent a wide array of styles and sizes. Many have been converted to multi-dwelling uses. Others have been replaced with modern apartments. The density is approximately 7 to 15 dwelling units per acre.

Older, commercial buildings and more recent professional buildings can be found towards Massachusetts Street.

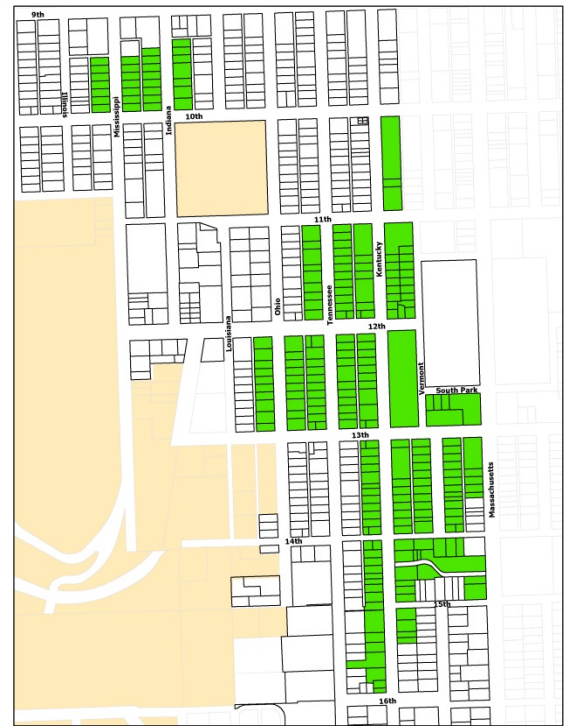


Figure 5: District 3 (Medium Density)

Z-12-00173: District 4

Hancock Historic District is a unique and charming area of the Oread Neighborhood located on a substantial rise that overlooks the University of Kansas. The Hancock Historic District was added to the National Register of Historic Places in 2004.

This small district boasts a beautiful and historic public improvement project that adds to the allure of the area: a pair of curved stone steps ascends from Mississippi Street to W. 12th Street in the grand fashion of the City Beautiful Movement. At the top of the stairs on W. 12th Street is a planter of native stone that forms a charming esplanade in the center of the street until it intersects with Indiana Street.

The homes in this district are mature and stately, perched on top of the hill overlooking the campus. Most of the lots are larger than those found in the rest of neighborhood, creating a more landscaped setting for most of the homes. The variety of styles, mostly 20th Century revivals, adds to the overall character in this district.



Figure 6: District 4 (Hancock Historic)

Z-12-00174: District 5

The Oread Historic District was listed in the National Register of Historic Places in 2007. The Oread Historic District (1000 block, east side Ohio Street, and west side Tennessee Street) was listed to the Lawrence Register of Historic Places in 1991. It is a charming and distinguished area with some of the oldest homes in Lawrence. There are excellent examples of the Italianate, Queen Anne, Craftsman, and 20th Century Revival styles side by side with the more vernacular National Folk and Foursquare homes. They range in size from grand to simple.

The streets are lined with tall, deciduous trees. On the west side of the streets, the houses are set back with elevated front yards. Dominant porches and shade-dappled yards add to the appeal of this area. On the east side of the streets, the homes are placed closer to the street with shallow front yards that are relatively flat. Parking is off the alleys; therefore, driveways are rare. Remnants of the historic past remain. Some streets are still paved with the original brick, and hitching posts and stone steps can still be found.



Figure 7: District 5 (Oread Historic)

Z-16-00058: District 6

The guidelines defined commercial district mainly fronts along W. 9th Street and on the western half of the intersection of 14th Street and Massachusetts Street.

The goal of commercial and mixed-use design guidelines is to create a pleasing and attractive urban setting where businesses can succeed, while maintaining the existing character of the residential neighborhood. The commercial uses should be scaled to serve the adjacent neighborhoods, providing business opportunities for convenience that would be primarily accessed on foot.

These guidelines are intended to be used only if there is commercial use on the ground floor. If the first floor is not commercial then the pertinent residential district guidelines would be applicable.



Figure 8: District 6 (Commercial)

Staff Finding: The Oread Neighborhood was principally developed between the 1870s and the 1950s, with renovation and new development throughout the history of the neighborhood. Contextually in the larger surrounding area, the Oread Neighborhood is established and consistent with other neighborhoods and areas adjacent to the proposed overlay areas.

4. PLANS FOR THE AREA OR NEIGHBORHOOD, AS REFLECTED IN ADOPTED AREA AND/OR SECTOR PLANS INCLUDING THE PROPERTY OR ADJOINING PROPERTY

The *Oread Neighborhood Plan* recommended the implementation of five overlay districts. During the course of drafting and revising the *Oread Neighborhood Design Guidelines*, it was recognized that a sixth mapped district for commercial uses should also be included. From the beginning the commercial component of the guidelines has been present; however, it was not specifically identified on the map. As the revision process began, the Subcommittee felt that mapping this district to the existing commercial areas was important to show the existing conditions where this chapter would be applicable.

The envisioned overlay districts were to, “provide a greater latitude to certain areas (generally most closely adjacent to KU) to develop more densely by allowing increased building heights, etc., give proper guidance to infill development. The district(s) could address such issues as the mass, scale and bulk of the development as well as impervious and pervious coverage, establish standards to regulate bulk and mass of structures, maintain open space on individually platted lots, and regulate parking.” All of these items were direct Goals, Policies and Implementation Strategies that are contained within of the adopted neighborhood plan, which is incorporated in to Chapter 14: Specific Plans of *Horizon 2020*.

Staff Finding: The proposed urban conservation overlay district rezonings conforms to proposed land use recommendations in the *Oread Neighborhood Plan* and *Horizon 2020*.

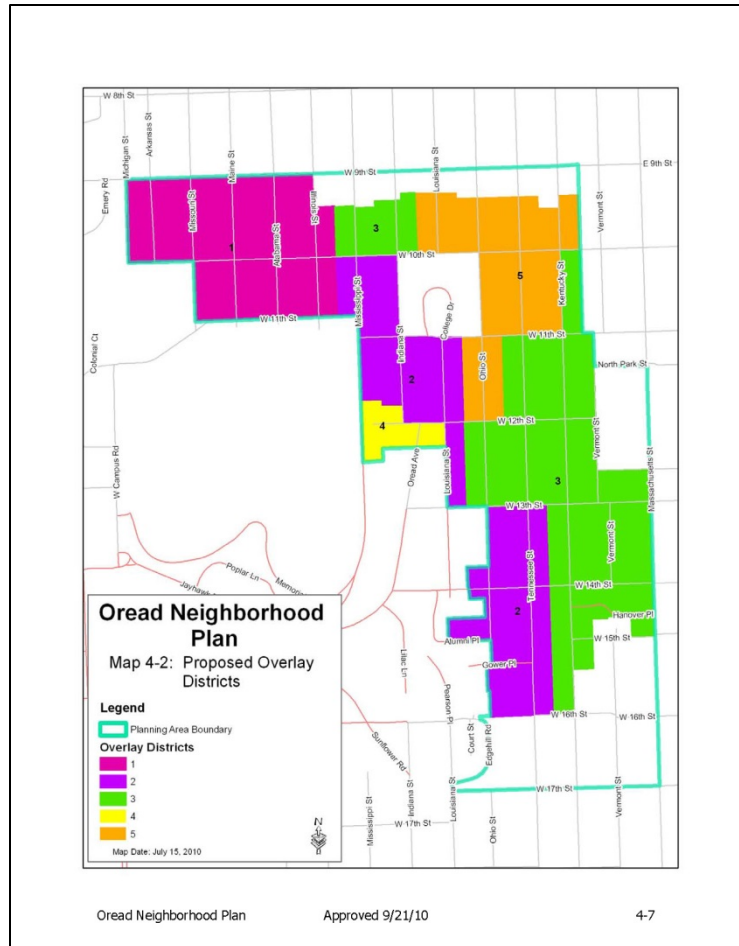


Figure 9: Proposed Overlay Districts from the Adopted *Oread Neighborhood Plan*

5. SUITABILITY OF SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED UNDER THE EXISTING ZONING REGULATIONS

The rezoning requests for these areas will not change the underlying base zoning district. The proposed rezonings would apply an Urban Conservation Overlay District to implement the guidelines as prescribed in both the *Oread Neighborhood Plan* and the *Oread Neighborhood Design Guidelines*.

Staff Finding: The properties are suitable for the Urban Conservation Overlay District zoning, and are consistent with land use recommendations relating to changes to *Horizon 2020* and the *Oread Neighborhood Plan*.

6. LENGTH OF TIME SUBJECT PROPERTY HAS REMAINED VACANT AS ZONED

The area was principally developed between the 1870s and the 1950s, with renovation and new development throughout the history of the neighborhood. The Guidelines identify the architectural Period of Significance for this area to be between 1877 and 1945, with a stipulation that for Districts 2 through 5, buildings before 1929 be specifically used to determine qualities and context when necessary for consideration. Contextually in the larger surrounding area, the Oread Neighborhood is established and consistent with other neighborhoods and areas adjacent to the proposed overlay area.

Staff Finding: Use of the properties within the proposed overlay districts has been consistent since the initial neighborhood development timeframe.

7. EXTENT TO WHICH REMOVAL OF RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES

Approval of this request would enact the general guidelines for all districts as prescribed in Chapter 4, and area-specific guidance supplemented by Chapter 5 in relation to parking, the building envelope, and other density and dimensional standards. The *Oread Neighborhood Design Guidelines* provides more precise and location-specific standards than the broad city-wide scope provided by the Land Development Code. These items have been reviewed and considered against each district's specific architecture, site typology, history, and concurrent existing conditions. Chapter 4 of the Guidelines is the general set for Districts 1 through 5; while the more tailored District-specific considerations are located in Chapter 5. Chapter 6 guidelines would apply to the mapped commercial properties, and where commercial storefronts are located on the ground floors. The application of the guidelines would be limited to their applicable areas as defined within the Guidelines.

Staff Finding: Impacts on nearby properties would be minimal. The intent of the *Oread Neighborhood Design Guidelines* is to provide more precise guidance to these specific properties than what is currently contained within the Land Development Code.

8. THE GAIN, IF ANY, TO THE PUBLIC HEALTH, SAFETY AND WELFARE DUE TO THE DENIAL OF THE APPLICATION, AS COMPARED TO THE HARDSHIP IMPOSED UPON THE LANDOWNER, IF ANY, AS A RESULT OF DENIAL OF THE APPLICATION

Evaluation of these criteria includes weighing the benefits to the public versus the benefits for the owners of the subject properties. Benefits are measured based on the anticipated impacts of the rezoning request on the public health, safety, and welfare.

If the rezoning requests were denied, the properties would retain their various existing base zoning designations. If the rezonings were approved, the change would apply the *Oread Neighborhood Design Guidelines* to the properties through the designation of the –UC (Urban Conservation Overlay) District. This overlay would then apply both the architectural/historic design guidelines, and also site and building envelope modifications to the Land Development Code as prescribed within the *Oread Neighborhood Design Guidelines*.

Approval of the requests would facilitate more compatible development within the designated neighborhood, and also provide for stronger development in a unique sense of place for the Oread Neighborhood.

Staff Finding: Benefits to the community include providing a more tailored set of land use controls to address and implement the site, historic, and architectural considerations that were identified in the adopted *Oread Neighborhood Plan* and the public input gathered during the various public meetings held regarding this proposal.

PROFESSIONAL STAFF RECOMMENDATION

The focus of this report is in regards to the six rezoning cases, one for each district defined within the guidelines, which comprise the implementation step of the *Oread Neighborhood Design Guidelines*. While the six cases are unique in their geographies, they are identical in their overall intent and goals. The six rezoning cases each implement one of the districts within the guidelines; they are linked together in the consideration and drafting of the *Oread Neighborhood Design Guidelines*. Along with the concurrent Text Amendment, these items would integrate the *Oread Neighborhood Design Guidelines* into the Land Development Code.

Staff recommends approval of the rezoning requests for approximately 190.8 acres to apply – UC (Urban Conservation Overlay) District to implement the *Oread Neighborhood Design Guidelines*, and forwarding these items to the City Commission with a recommendation for approval based on the findings of fact in the body of this staff report subject.

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 21st.

Sheila M. Stogsdill, *Planning Administrator* - sstogsdill@lawrenceks.org

Planning & Development Services Department | 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>

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

Subject: Fwd: duplex tandem parking in core neighborhoods

To: Lynne Zollner <lzollner@lawrenceks.org>

Lynne, can you send this to HRC Commissioners?

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

From: **Dennis Brown** <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>

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





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 dwelling 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 a high density zoning that has never conformed 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:

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 a unit in multi-zoned areas, 3 unrelated in a 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%.

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

LAW OFFICES
BARBER EMERSON, L.C.

1211 MASSACHUSETTS STREET
POST OFFICE BOX 667
LAWRENCE, KANSAS 66044
(785) 843-6600
FACSIMILE (785) 843-8405

JOHN A. EMERSON
BYRON E. SPRINGER
RICHARD L. ZINN
CALVIN J. KARLIN
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

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. 6th 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.**

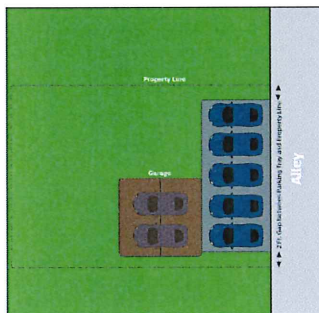
Today, the Code generally permits stacked parking on Duplexes, and owners in the neighborhood have relied upon that configuration to lawfully make significant improvements and obtain occupancy permits greater than what the Guideline's limited parking configurations would allow. *See*, Guidelines, p. 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.¹ 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.

¹The 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,² 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.

²See: https://www.lawrenceks.org/assets/pds/devservices/bsd/ds_bsd_permit_exemptions.pdf

Mr. Scott McCullough, Director
Planning and Development Services
March 21, 2016
Page 5

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