

PLANNING COMMISSION REPORT
Regular Agenda - Public Hearing Item

PC Staff Report
09/22/2014

ITEM NO. 5A RM12 TO RMO; .269 ACRES; 1106 RHODE ISLAND ST (LBZ)

Z-14-00314: Consider a request to rezone approximately .269 acres from RM12 (Multi-Dwelling Residential) District to RMO (Multi-Dwelling Residential-Office) District located at 1106 Rhode Island Street. Submitted by Hernly Associates on behalf of the City of Lawrence, property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of the request to rezone approximately .269 acres, from RM12 (Multi-Dwelling Residential) District to RMO (Multi-Dwelling Residential Office) District based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval.

Reason for Request: *We are proposing to restore and preserve the historic structures on the lot. In order for the buildings to meet our needs (commercial and residential per the historical use) a rezoning to RMO from the current RM12 is required.*

KEY POINTS

- The property is a contributing structure to the North Rhode Island Street Historic Residential District listed in the National Register of Historic Places.
- The property has been used as a storage area for approximately 30 years.

ASSOCIATED CASES/OTHER ACTION REQUIRED

- SUP-14-00326; mixed residential and office use including detached residential uses in an RM district.
- City Commission approval of the rezoning and publication of an ordinance rezoning the property.
- City Commission approval of the Special Use Permit and publication of an ordinance.
- DR-14-00291 – Design Review for the proposed project approved by the Historic Resources Commission on August 21, 2014.
- B-14-00323 – Variance requests to allow for the placement of structures and the new parking area on the site approved with conditions by the Board of Zoning Appeals on September 4, 2014.

PLANS AND STUDIES REQUIRED

- *Traffic Study* – Not required for rezoning
- *Downstream Sanitary Sewer Analysis* – Not required for rezoning
- *Drainage Study* – Not required for rezoning
- *Retail Market Study* – Not applicable to residential request

ATTACHMENTS

- Resolution 7013

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- Communication from Tenants to Homeowners
- Communication from the East Lawrence Neighborhood Association

Project Summary:

The property located at 1106 Rhode Island Street contains 0.269 acres and is platted as Lots 118 and 120 Rhode Island Street, Original Townsite. The existing structures on site consist of a frame house (c. 1871), a two story barn (c. 1880) and a garage attached to the barn. Rhody Delahunty established his home and transfer and storage company business at 1106 Rhode Island Street by 1871. He died in 1919 and the operation of the business passed to Thomas Delahunty. Thomas Delahunty ran the transfer and storage company until the mid-1930s. Thomas and his sister Nellie occupied the property into the 1960s and maintained an antiques business there. In 1964 Stanley and Janet Swartzman bought the property and in August of 1965 sold the property to Raymond F. Barland. Barland used the property for an auto salvage business specializing in old Packard parts. The Barland family owned the property and used it for storage until 2013.

Proposed request is for a mixed residential office zoning to accommodate both residential and offices uses. The property is located within the East Lawrence Neighborhood and is listed as a contributing property to the North Rhode Island Street Historic Residential District, National Register of Historic Places. This application was submitted concurrently with an application for a Special Use Permit to accommodate the detached residential use in a RM zoning district. The proposed project also includes the rehabilitation of the existing structures and a new structure to be placed on the southeast corner of the property. A parking area will be established to the west of the barn to support the property uses.



West elevation of 1106 Rhode Island Street.



Barn at 1106 Rhode Island Street.

REVIEW & DECISION-MAKING CRITERIA

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response: *Horizon 2020 includes statements that recognize the importance of historic resources to our sense of place and to help provide direction for future development and growth. The request will allow the property to be preserved and stabilize the historic neighborhood. The neighborhood surrounding the proposed development is very mixed.*

Directly south of the development are several lots that serve as permanently affordable rental housing (Tenants to Homeowners). Further south of that is a mix of owner occupied single-family dwellings and rental dwellings. Across the street to the West is a large lot zoned GPI (The Douglas County Law Enforcement Center and a large parking lot). Directly north of the lot, across 11th Street is a multi-family apartment building. North of that structure and further down Rhode Island

Street are a mix of single-family owner occupied dwellings, a multi-family apartment complex intermixed with single dwelling rental housing.

Directly east of 1106 Rhode Island is a large multi-family rental house, and further south there is a mix of owner occupied single dwellings and rental dwellings. Other properties in close proximity include a large historic dwelling and an historic church which have both been converted to office buildings.

The 1106 property is at the corner of a minor arterial street (11th Street) and a very busy civic building and associated parking (Law Enforcement Center). The zoning request of RM-O and the proposed residential/professional office uses for this small lot is a nice complement to the varied neighborhood uses and creates a stable transitional property between the intensity of uses in downtown and the Law Enforcement Center and the lower intensity residential uses further east, north, and south.

Historically the property has been used in a similar way to what the current project is suggesting though historically the uses were much more intense level. The portion of the property we would like to convert to office use has been warehouse, transfer and storage, auto-repair, and auto salvage in the past. We believe that the professional office use is a much less intense use to those industrial uses. Historically the circa 1870 house served as the home and likely the office for the proprietor of the on-site industry.

The Horizon 2020 document has commentary that encourages development and redevelopment that includes components of what this project is suggesting. Under "Neighborhood Concept" Item 3, Mixed housing types and Live/Work opportunities "should be explored". Our project and RM-O zoning promote mixed housing types and live/work opportunities in close proximity.

Policy 3.2 "Protect Existing Housing Stock" includes statements encouraging preservation of existing dwelling units. Our project will do that and will reverse a decades long apparent attempt at "demolition by neglect". This policy also suggests consideration of "alternate standards" for the rehabilitation of existing housing stock. While we aren't specifically requesting alternate standards it is clear that the document favors some allowances and exceptions where preservation of housing stock is concerned.

Policy 3.3 "Encourage Compatible Infill Development" encourages redevelopment and infill as a means of providing a variety of compatible housing types within neighborhoods.

Policy 3.6 "Promote Neighborhood Identity" suggests that preservation and enhancement of the visual and environmental character of existing neighborhoods is important. Our suggested project will do just that.

Goal 6 and Policy 6.1 suggest that transitional elements between areas of differing development intensity should have careful attention given them. We believe that the multitude of processes and submittals along with the local support we have garnered for this project suggest that the project is a good one and should be allowed to proceed.

We believe that our proposed project meets many of the goals and intents of Horizon 2020. We have the written support of the East Lawrence Neighborhood and the property owner directly south of the project. Both believe in historic preservation and support the various requests required to see this project move forward.

Key features of the plan found in Chapter 3 state:

- *Support infill development and redevelopment which provide a range of residential, commercial, office, industrial and public uses within these parcels consistent and compatible with the established land use pattern in the surrounding area.*
- *Encourage the identification, protection and adaptive reuse of the wide diversity of historic buildings, structures, sites and archeological sites that can be found in Lawrence and Douglas County. Considering historic preservation issues in combination with other land use decisions assures the preservation of historic resources but also fosters the image, identity and economic development goals in the Comprehensive Plan.*

Approval of the proposed request would include office uses within the district. This rezoning would facilitate the redevelopment of the site that has been blighted for approximately 30 years. The future land use map identifies the area for medium to high density residential adjacent to community facility. The project will have two dwelling units on Lot 120. While the professional office use is not contemplated in the future land use map, RMO is a transitional use that will help facilitate the rehabilitation of the property and provide for infill development as identified as a key feature of *Horizon 2020*.

- **Staff Finding** – *Horizon 2020* supports infill development and redevelopment that provides a range of residential, commercial, office, industrial and public uses when the development is consistent and compatible with the established land use pattern in the surrounding area. In addition, *Horizon 2020* encourages the adaptive reuse of historic buildings.

2. ZONING AND USE OF NEARBY PROPERTY, INCLUDING OVERLAY ZONING

Current Zoning and Land Use: RM12 (Multi-Dwelling Residential) District; existing residence and barn

Surrounding Zoning and Land Use: RM12 (Multi-Dwelling Residential) District to the north and south; existing multi-family uses

RS5 (Single-Dwelling Residential) District to the east; existing multi-dwelling residential units and detached residential dwelling uses.

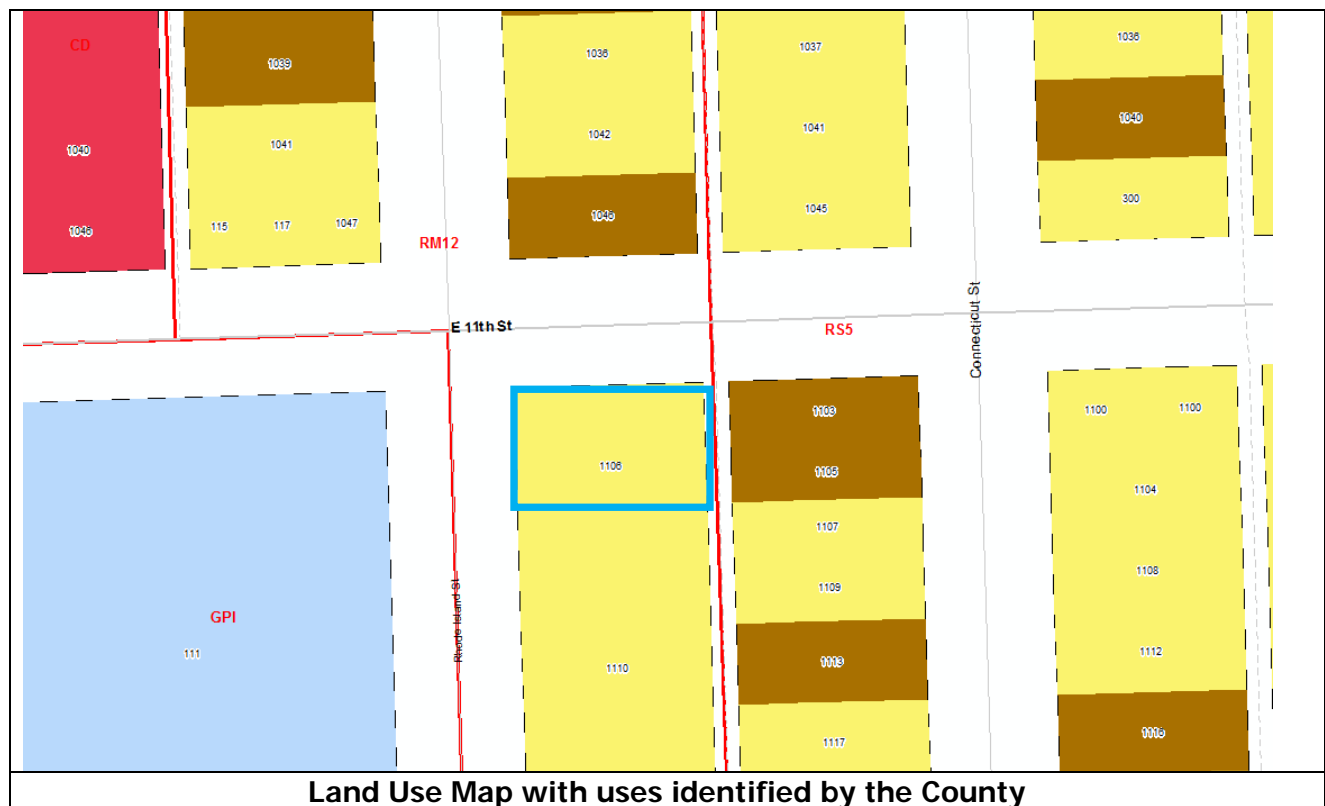
GPI (General Public and Institutional) District to the west; existing Judicial and Law Enforcement Building


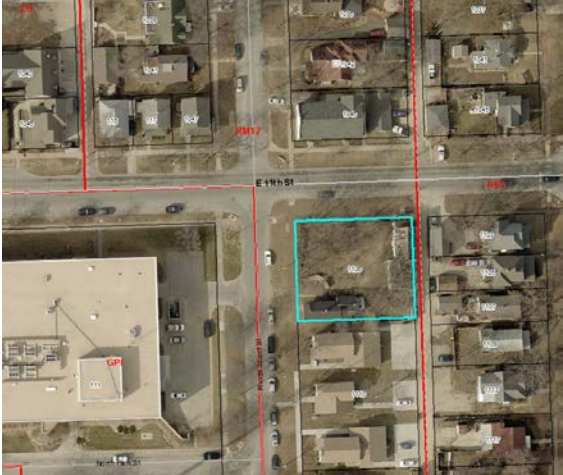
This property abuts multi-dwelling residential uses to the north and south. Detached residential uses are located to the east. The multi-dwelling residential uses are converted detached residences that now include multiple units. The housing form has generally remained intact as detached buildings on individual lots. The existing RM12 district includes both detached residences and residences converted to apartments. In addition, the adjacent property to the south was recently redeveloped as multi-family structures by Tenants to Homeowners. (These changes are not reflected on the land use map below.)

A dominant use in the area is the Judicial Law Enforcement Building located immediately to the west. This public facility use includes a parking lot with access to Rhode Island Street.

The proposed use includes multi-dwelling residential uses.

The RMO District is designed to accommodate mixed use development of low and moderate intensity administrative and professional offices that are compatible with the character of medium and high density residential neighborhoods. The district is intended to be used as transitional zoning between higher-intensity commercial areas and residential neighborhoods. Typical land uses in the East Lawrence Neighborhood include commercial uses and professional office uses on corner lots in the neighborhood.



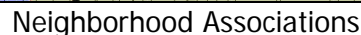
	
<p>Zoning in the Area</p>	<p>Actual Land Use in the Area</p>

Staff Finding – This property is surrounded by a mix of detached and multi-dwelling residential uses to the north, south and east. The property to the west is the Judicial Law Enforcement Center. To the northwest ½ block are professional office uses. The proposed zoning includes the multi-dwelling uses that are similar to those located to the north, south and east. The office use will create a transition from the GPI district to the residential uses in the area.

3. CHARACTER OF THE NEIGHBORHOOD

1106 Rhode Island Street is located on the edge but within the East Lawrence Neighborhood. The East Lawrence neighborhood is a large neighborhood that includes properties east of Massachusetts Street to Oregon Street and from the Kansas River to 15th Street. This neighborhood and the structures located therein are valuable as part of the development of the City of Lawrence documenting residential land use from the late nineteenth century and the early twentieth century. The East Lawrence neighborhood followed local population, social, economic and architectural building patterns described in the Multiple Property Documentation Form *Historic Resources of Lawrence, Douglas County, Kansas*. The vernacular architecture and the cohesive streetscapes of the neighborhood emphasize the commonalities of the diverse populations that settled in this area of Lawrence. While the structures in the neighborhood reflect the evolution of vernacular architecture and the incorporation of stylistic details over time, the relationship between the structures based on location, streetscape, building materials, workmanship, mass and scale create a distinct neighborhood identity that is of value to the study of the history of the City of Lawrence. 1106 Rhode Island Street is listed as a contributing property to the North Rhode Island Street Historic Residential District, National Register of Historic Places. This National Register District is listed for its architecture and its association with community planning and development. Listed in 2004, the district is located within the original townsite of Lawrence.

As noted in the map below, 1106 Rhode Island is located adjacent to Downtown area. This is a transitional area between residential and non-residential uses. A portion of the property has always been used as a commercial property providing services beyond the neighborhood.



Staff Finding – The proposed project is within the range of uses for the neighborhood and is compatible with the forms and placement of structures that characterize the neighborhood.

This property is located along the western edge of and within the boundary of the *East Lawrence Neighborhood Revitalization Plan* (adopted in 2000). The overall neighborhood contains a wide variety of land uses. Industrial uses are generally located along the railroad tracks located in the northeast part of the neighborhood. Commercial uses and office uses are typically located on the corners of several scattered blocks throughout the neighborhood.

The East Lawrence Neighborhood Revitalization Plan is a unique neighborhood plan in that it proposes six elements that will aid in the revitalization and improvement of the neighborhood. The plan does not identify existing and future land uses for the area but rather encourages the diversity of uses that have been historically present in the neighborhood. Goal 2 of the *East Lawrence Neighborhood Revitalization Plan* is to preserve and conserve existing physical neighborhood landmarks. Listed in the National Register, 1106 Rhode Island is a landmark for the East Lawrence Neighborhood.

The East Lawrence Neighborhood Plan was adopted in 1979. This plan shows 1106 Rhode Island Street as medium density residential. The plan policies identify that office uses should be located in areas that can physically support the use. The property is also located on the corner of an intersection of an arterial and local street. The '79 plan also includes a policy that encourages the preservation of historic structures.

Staff Finding – The proposed project is within the range of uses that are contemplated in the *East Lawrence Neighborhood Revitalization Plan* and will aid in the rehabilitation and reuse of a property that is a landmark in the neighborhood. The proposed location can physically support the residential and office uses proposed for the project. The rezoning will continue the mixed use nature of the neighborhood.

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

Applicant's Response: *Historically the subject property was an auto repair and salvage business along with a residence. Our proposed uses, office and residential fit well with the area which is a good mix of multi-family, single-family, government, and commercial uses.*

The property is currently zoned RM12 which permits the residential uses proposed by the applicant but not the professional office use. The proposed office use is to be located in the historic barn on the property. This structure will be rehabilitated so that it is conditioned space to support a new use. The history of the zoning for this property shows that while the use has been commercial and residential since 1871, the zoning has changed from residential in 1929 to local business in 1960 and back to residential in 1966. While the southern part of the property is suitable for the multi-dwelling use, the northern portion of the property has always had a commercial use dating to 1871. The current restriction on this property of only residential uses would not allow for the rehabilitation of the barn to an office use. The office use is less intensive than the historic commercial uses for the property. The restriction of the current zoning to residential uses does not allow for the historic use of the property.

Staff Finding –Historically, the property has had a mixture of residential and commercial uses. The current zoning does not allow for the mix of uses that will continue the history of the property. The proposed office use is a less intensive use than the historic commercial use. The proposed request is consistent with the historic use of the property including residential and non-residential uses.

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

The property has been developed with a residential structure, a barn, and a garage. The date of construction for the residential structure and the barn is c. 1871. The primary use for the property has been storage since 1965.

Historically this property has included commercial and residential uses. The proposed request is consistent with the historic use of the property including residential and non-residential uses.

Staff Finding – The property was developed in 1871 with commercial and residential uses.

7. EXTENT TO WHICH APPROVING THE REZONING WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES

Applicant's Response: *We believe that since the property has been blighted for nearly 30 years our proposed uses will not be detrimental at all, but will improve nearby properties in a significant way.*



On March 26, 2013, the City of Lawrence exercised the power of eminent domain in the public interest to acquire the property located at 1106 Rhode Island Street for the purpose of rehabilitation. (See attached resolution.) The property had been deemed unsafe and dangerous due to conditions that were considered "injurious to the health, safety, and welfare of the community."

The proposed rehabilitation of the property will improve the neighborhood by returning the property to habitable conditions and removing the blight that has existed.

The uses provided in the RMO are similar to the uses in the area. The residential uses for the proposed zoning are consistent with the uses to the north, east, and south. The office use is a less intensive use than the storage use that has existed at least since 1965.

Staff Finding –The uses permitted within the RMO district are compatible with the nearby residential and institutional uses. The use of the property as multi-dwelling residential and office will be less intensive than the previous commercial/storage use. The rehabilitation the rezoning will improve the visual character and safety of the area.

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

Applicant's Response: *By allowing the rezoning the governing body will promote the removal of decades of blight on the subject property. No hardship is imposed on any individual landowners, but conversely the property will improve the public health, safety, and welfare of the environs.*

Evaluation of this criterion includes weighing the benefits to the public versus the benefit of the owners of the subject property. Benefits are measured based on anticipated impacts of the rezoning request on the public health, safety, and welfare.

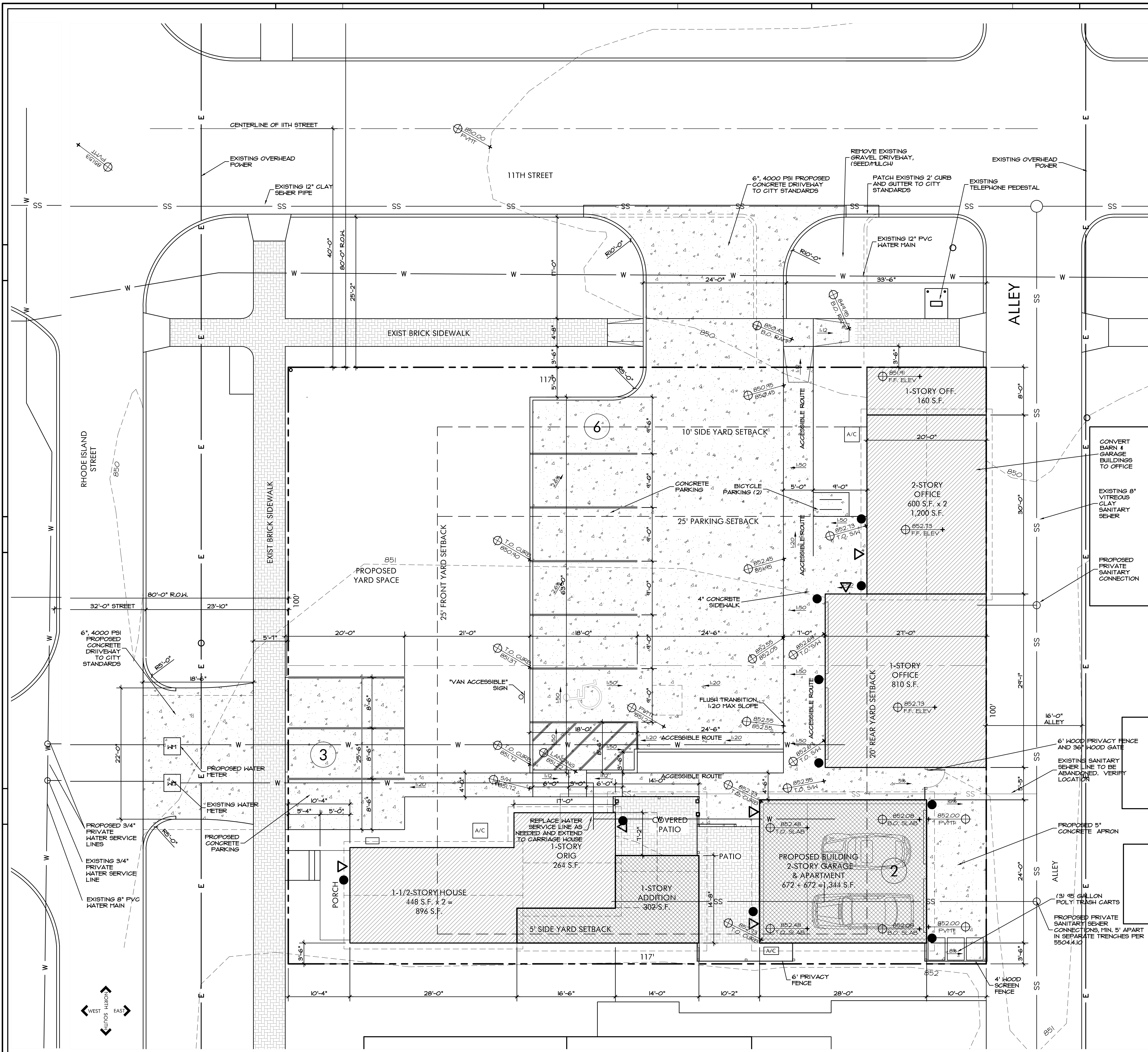
The property has been deemed unsafe and dangerous due to conditions that were considered "injurious to the health, safety, and welfare of the community." The City has acquired the property to promote the rehabilitation of the structures and to remove the unsafe and dangerous conditions.

The rezoning of the property to RMO will allow for the residential historic structure to maintain its residential use while providing an adaptive reuse for the barn and garage structures. The property has a history of mixed use. The redevelopment of the property as a mixed use will allow the property owner to utilize the historic structures without compromising their historic integrity.

Staff Finding – Approval of the rezoning request would benefit the public health, safety, and welfare by rehabilitating the existing property and allowing uses that are compatible with the neighborhood. In addition, the approval of the rezoning request will allow for the reuse of historic structures that are listed in the National Register of Historic Places.

9. PROFESSIONAL STAFF RECOMMENDATION

This staff report reviews the proposed rezoning request for its compliance with the Comprehensive Plan, adopted plans for the area, the Golden Factors, and compatibility with surrounding development. The rezoning request conforms with recommendation in *Horizon 2020* for the adaptive reuse of historic buildings. Staff recommends approval of the rezoning request for approximately .269 acres from RM12 (Multi-Dwelling Residential) District to RMO (Multi-Dwelling Residential-Office) District and forwarding it to the City Commission with a recommendation for approval based on the findings of fact found in the body of the staff report.



ZONING: EXISTING RM-12, PROPOSED RM-O
LEGAL DESCRIPTION: Lots 118 and 120, Rhode Island Street
PROJECT DESCRIPTION: Historic preservation and new construction for a mixed-use property containing two residential rental units and an commercial office unit.
PROPERTY OWNER: Current - City of Lawrence
Pending - 1106 Rhode Island, LLC, 920 Massachusetts, Suite 2, Lawrence, KS 66044
ARCHITECT: Hernly Associates, Inc.
920 Massachusetts St. Suite 2
Lawrence, KS 66044-2868

PROPERTY SURFACE SUMMARY		SUMMARY AFTER PROJECT COMPLETION	
EXISTING SUMMARY		TOTAL BUILDINGS	= 3,308 S.F.
TOTAL BUILDINGS	= 2,407 S.F.	TOTAL PAVEMENT	= 4,851 S.F.
TOTAL PAVEMENT	= 443 S.F.	TOTAL IMPERVIOUS	= 8,159 S.F.
TOTAL IMPERVIOUS	= 3,050 S.F.	TOTAL PERVIOUS	= 3,541 S.F.
TOTAL PERVIOUS	= 8,650 S.F.	TOTAL PROPERTY AREA	= 11,700 S.F.
TOTAL PROPERTY AREA	= 11,700 S.F.		

PROPOSED USES
Barn and Truck Shed - Administrative and Professional Office (Architects)
Historic Dwelling - Detached Dwelling (3 Bedroom Rental)
Proposed Dwelling - Detached Dwelling/Garage (1 Bedroom Rental)

PARKING
Per the requirements in Article 9 of the Development Code:
Administrative and Professional office = 1 space per 300 SF
Detached Dwelling = 2 per dwelling unit
Office: = 2,010 S.F. 2,010/300 = 7 spaces req.
Dwellings: = 2 proposed 2x2 = 4 spaces req.
Total Required = 11 spaces
Standard Stall = 8 spaces
ADA Van Accessible = 1 space
Garage = 2 spaces
Total Provided = 11 spaces

Bike Parking - 1 req. per 10 Office spaces = 1 space
Bike Parking Provided = 2 spaces

REFUSE DISPOSAL
(3) 95 gallon poly trash carts will be located in a screened enclosure adjacent to the alley.

BENCHMARK:
Site grading is based on and tied to NGS benchmark T 368:
A stainless steel rod in hand hole located 190.9' north of the centerline of East 13th Street and 23.6' east of the centerline of Oregon Street. Elevation is 827.39' (NAVD 88).
Local Benchmark: center of intersection 11th and Rhode Island 851.53'

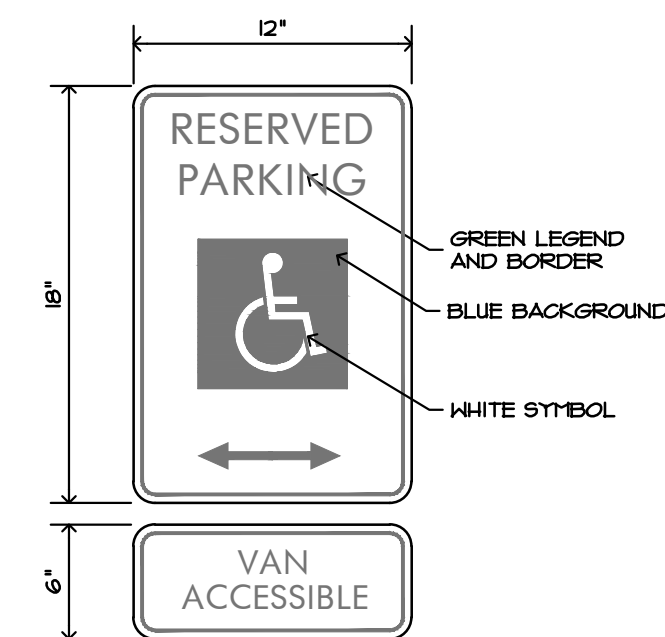
Zoning Variances Approved: (pending)
Front Setback - reduction from 25 feet to 5 feet
Rear Setback - reduction from 20 feet to zero feet
South Side Setback - reduction from 5 feet to 3 feet
North Side Building Setback - reduction from 10 feet to zero feet
North Side Parking Setback - reduction from 25 feet to 5 feet

Design Review Approved:
DR-14-00291 - The HRC approved the project on 8/21/2014.

Special Use Permit Approved: (pending)

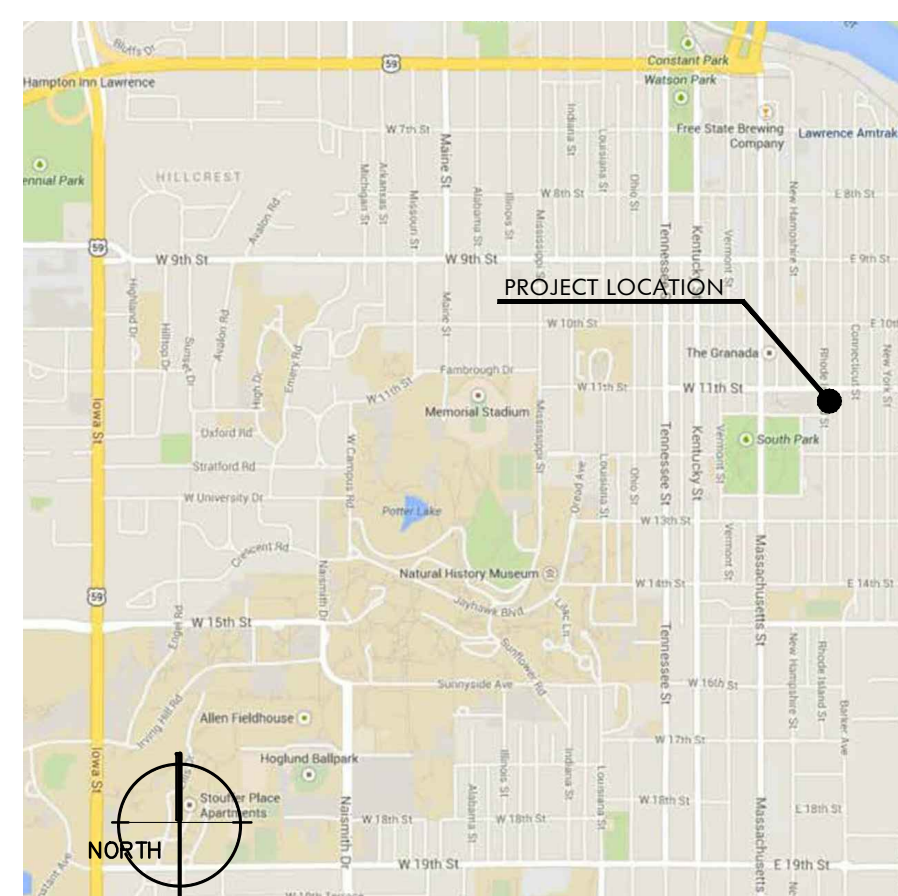
LIGHTING 100 WATT DECORATIVE WALL LIGHT
KEY
NOTES

ADA NOTE
This site plan has been designed within reasonable professional efforts to comply with the provisions of The Americans With Disabilities Act Accessibility Guidelines (ADAAG) for Buildings and Facilities, Appendix A to 28 CFR Part 36. No warranty is given that this site complies with all interpretations of said provisions.



MOUNT SIGN AT A HEIGHT OF 48" ABOVE SIDEWALK.

SITE NOTES



Approved and Released
Case No. _____
Approval Date: _____
Release Date: _____
Planner: _____ of _____ Sheets
Asst./Director: _____

LOCATION MAP

HISTORIC RHODY DELAHANTY COMPLEX

1100 - 1106 RHODE ISLAND
LAWRENCE, KANSAS

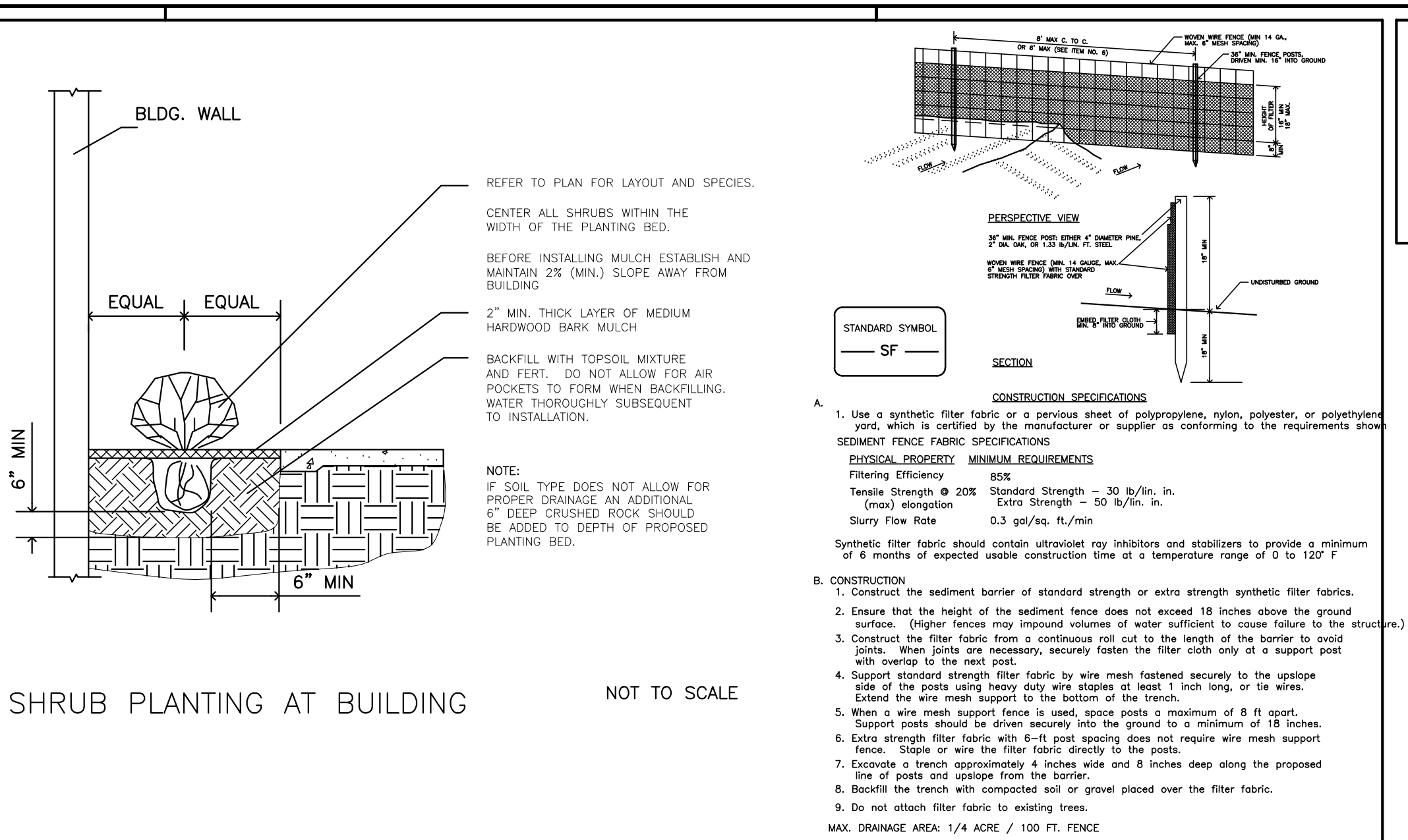
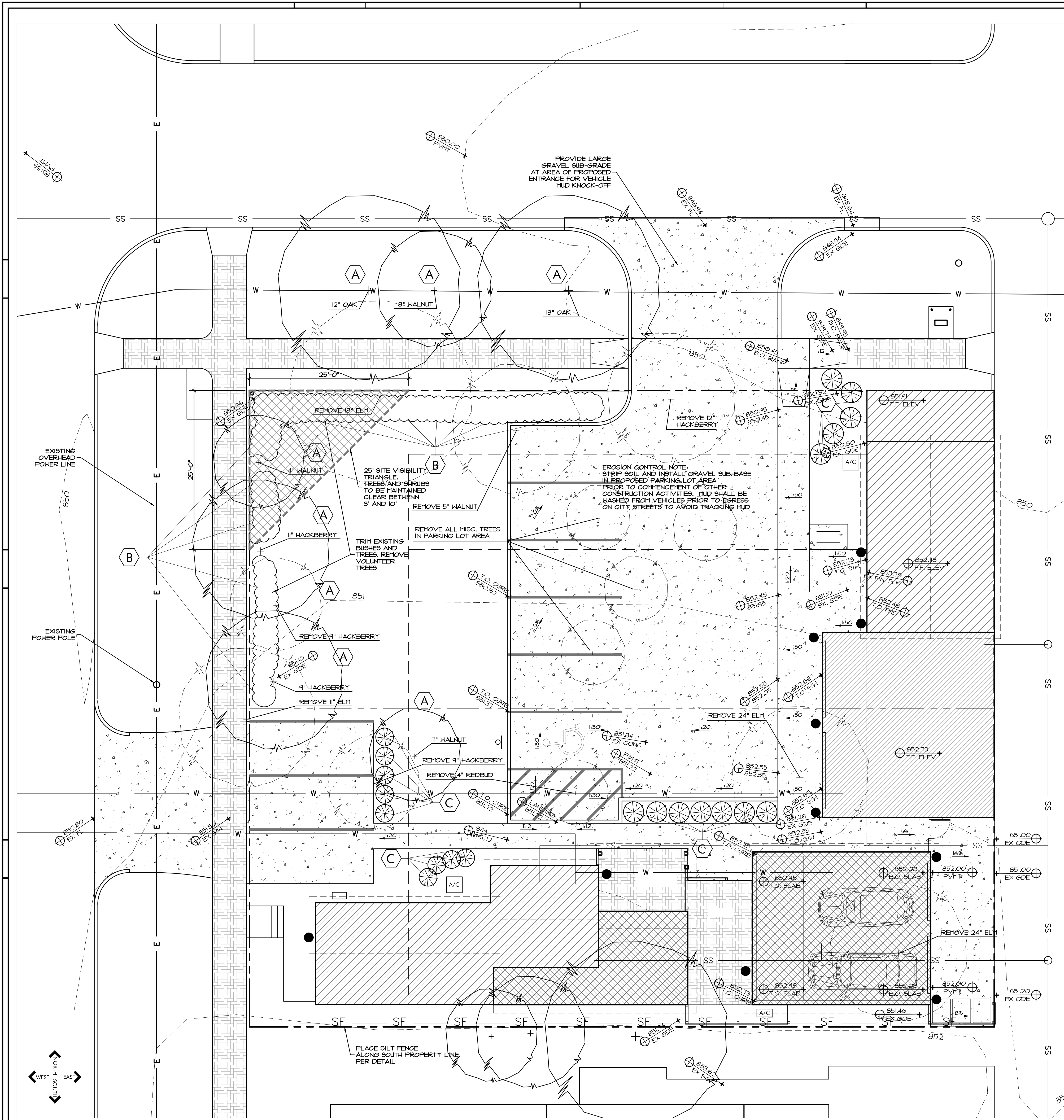
Hernly
ASSOCIATES

920 Massachusetts
Lawrence, Kansas
66044
785 - 749 - 5806
FAX 785 - 749 - 1515

SITE PLAN

Date: 2014/07/21
Drawn by: SCH/RS
Checked by: _____
Revisions: 2014/08/26

C1.0



PROPERTY OWNER: Current - City of Lawrence
David Corliss, City Manager
Pending - 1106 Rhode Island, LLC, 920 Massachusetts, Suite 2, Lawrence, KS 66044
Phone - 785-749-5806
Email - mike@hernly.com

- EROSION CONTROL NOTES:
- All perimeter sediment and erosion control facilities are to be constructed prior to grading and they shall be in operational condition before grading construction begins. All sediment control measures are to be adjusted to meet field conditions at the time of construction.
 - Periodic inspection and maintenance of all sediment control structures must be provided to insure intended purpose is accomplished. The contractor shall insure that adjacent land area shall be protected from erosion and sediment. Sediment control measures shall be in working condition at the end of each day.
 - All areas of ingress-egress are to be protected to prevent the tracking of mud onto the public right-of-way.
 - Remove good topsoil from areas to be graded and filled, and preserve it for use in finishing the grading of all critical areas.
 - Clear and grub areas to be filled to remove trees, vegetation, roots or other objectionable material that would affect the planned stability of the fill.
 - Ensure that fill material is free of brush, rubbish, rock, logs, stumps, building debris, and other inappropriate materials for constructing stable fills.
 - Place all fill in layers not to exceed 9 inches in thickness and compact the layers as required to reduce erosions, slippage, settlement, or other related problems.
 - Do not incorporate frozen material or soft, mucky, or highly compressible materials into fill slopes. Do not place fill on frozen foundation, due to possible subsidence during all phases of development.
 - Handle seeps or springs encountered during construction in accordance with approved methods.
 - Scarify areas to be topsoiled to a minimum depth of 2 inches before placing topsoil.
 - The throats of all storm sewer inlets shall be protected and kept free of any deposits of sediment until the uphill areas have been stabilized and the streets have been paved.
 - The out falls of all storm sewers shall be provided with end sections and rip-rap to dissipate flow and control erosion.

LANDSCAPE CALCULATIONS:
STREET TREES REQUIRED = 1 PER 40 FEET OF FRONTAGE 167'/40' = 5 TREES
STREET TREES PROVIDED = 3 EXISTING AT NORTH + 3 EXISTING AT WEST = 6 TREES

Note: Existing, mature trees on west side of property are at or inside property line location. An existing overhead power line prevents the public R.O.W. on the west from being an ideal place for new street trees.

PARKING LOT INTERIOR LANDSCAPING REQUIRED = 40 S.F. PER SPACE = 9x40 = 360 S.F.
PARKING LOT INTERIOR LANDSCAPING PROVIDED = APPROX. 2,600 S.F.

Note: The lot contains many existing trees and shrubs that will be selectively thinned and trimmed. The large open space that surrounds the parking areas will contribute to the parking landscaping requirements. The parking lot will be adequately screened and shaded.

PARKING LOT PERIMETER LANDSCAPING REQUIRED:
= 1 SHADE TREE/25 LIN. FT. OF PARKING LOT FRONTAGE = 83'/25 = 4 TREES
+ CONTINUOUS SCREENING

Note: As noted below we have requested alternate compliance for the Bufferyard provisions. We believe that the landscape plan submitted will meet the spirit and intent of the landscaping provisions of the Code and it will respect the historic nature and configuration of the site. Parking will be adequately screened and some views to the historic structures will be opened after careful trimming and thinning of existing vegetation. Additional shrubs have been added where necessary to augment the existing mature vegetation.

BUFFERYARD REQUIRED = A Type 2 Bufferyard is required between RM-O and GPI District to the west and a Type 1 Bufferyard is required between the RM-O and RS district to the north. A letter has been submitted to the planning director requesting alternate compliance to allow the existing dense vegetation along with some new plantings be allowed to suffice for the required Bufferyard. The existing mature vegetation will be selectively pruned and thinned to create an attractive and adequate buffer to the back side of the Law Enforcement Center while allowing desirable views to the historic structures.

LANDSCAPING				
KEY	NAME	QUAN	SIZE	NOTES
(A)	Existing Deciduous Tree	8	Varies	The perimeter of the lot on the west and north is densely vegetated with a continuous strip of mature trees and privet hedge. Primary screening of the lot will take the form of careful selection and removal of smaller trees and thinning/pruning the privet hedge to create a uniform and attractive 3' tall screen interspersed with mature trees. It is desirable to open views of the historic structures which are now completely obscured. Additional screening for new parking is as noted.
(B)	Existing Privet Hedge	Cont.	3'	
(C)	Proposed Winged Euonymus	21	24" ht.	

LANDSCAPE NOTES

HISTORIC RHODY DELAHUNTY COMPLEX

1100 - 1106 RHODE ISLAND

LAWRENCE, KANSAS

Hernly
ASSOCIATES

920 Massachusetts
Lawrence, Kansas
66044
785 - 749 - 5806
FAX 785 - 749 - 1515

LANDSCAPE PLAN

Date: 2014/07/21
Drawn by: SCH/PT
Checked by:
Revisions: 2014/08/26

C1.1

RESOLUTION NO. 7013

A RESOLUTION OF THE CITY OF LAWRENCE, KANSAS, DECLARING THE NECESSITY OF THE CITY OF LAWRENCE, KANSAS, A MUNICIPAL CORPORATION, TO APPROPRIATE THROUGH THE EXERCISE OF EMINENT DOMAIN CERTAIN INTERESTS IN REAL PROPERTY FOR THE USE OF SAID CITY, PURSUANT TO K.S.A. 2011 SUPP. 26-501b, AND GRANTING AUTHORIZATION TO OBTAIN A SURVEY AND DESCRIPTION OF THE LAND OR INTERESTS TO BE CONDEMNED, ALL IN ACCORDANCE WITH K.S.A. 2011 SUPP. 26-201.

WHEREAS, on March 5, 2012, City of Lawrence Code Enforcement staff, in accordance with K.S.A. 2011 Supp.12-1750, et seq., and Chapter V, Article 11 of the Code of the City of Lawrence, Kansas 2011 Edition, and amendments thereto, filed with the Governing Body a statement in writing that the structures located on property commonly known as 1106 Rhode Island Street, Lawrence, Douglas County, Kansas are unsafe and dangerous.

WHEREAS, the Governing Body of the City of Lawrence, Kansas on March 13, 2012 adopted Resolution 6964, declaring the structures on property commonly located at 1106 Rhode Island Street as unsafe and dangerous and ordering a hearing before the Governing Body on May 15, 2012 to consider why said structures should not be ordered repaired or demolished as unsafe or dangerous structures;

WHEREAS, the Governing Body of the City of Lawrence, Kansas on May 15, 2012 held a hearing, finding the structures commonly located at 1106 Rhode Island, unsafe and dangerous and ordering the property owner to repair or remove the structures by July 17, 2012;

WHEREAS, the Governing Body of the City of Lawrence, Kansas on May 22, 2012 adopted Resolution 6972, declaring the structures on property commonly located at 1106 Rhode Island Street as unsafe and dangerous and ordered the repair or demolition of said structures by July 17, 2012;

WHEREAS, the Governing Body of the City of Lawrence, Kansas on February 5, 2013, directed initiation of condemnation proceedings by the City of Lawrence to obtain title to the property for purpose of rehabilitation pursuant to K.S.A. 2011 Supp. 26-501b(e);

WHEREAS, the Governing Body of the City of Lawrence, Kansas finds that it is necessary and in the public interest to acquire fee simple title to real property in Lawrence, Douglas County, Kansas, commonly located at 1106 Rhode Island Street, for the purpose of rehabilitation of said property so that it is no longer unsafe and dangerous as declared in Resolution 6972; and

WHEREAS, the Governing Body also authorizes the making of a survey and description of the land or interests to be condemned, by a licensed land surveyor or professional engineer, who shall be competent to conduct a land survey, and directs that said survey and description of the land or interests to be condemned be filed with the City Clerk of the City of Lawrence, Kansas.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF LAWRENCE, KANSAS:

SECTION 1. The above-stated recitals are incorporated herein by reference and shall be as effective as if set forth in full.

SECTION 2. It is necessary and in the public interest to appropriate, through the exercise of eminent domain, fee simple title to private property interests for the use of the City for the purpose of rehabilitation of the structures commonly located at 1106 Rhode Island Street, Lawrence, Kansas and legally described as Lots 118 and 120 on Rhode Island Street in the Original Townsite of the City of Lawrence, Douglas County, Kansas.

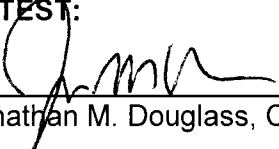
SECTION 3. A licensed land surveyor or a professional engineer, who is competent to conduct a land survey, shall be employed to provide a survey and description of the land or interests to be condemned. When completed, said survey and description of the land or interests to be condemned shall be filed with the City Clerk of the City of Lawrence, Kansas.

PASSED by the Governing Body of the City of Lawrence, Kansas, this 26th day of March, 2013.

APPROVED:


Robert J. Schumm, Mayor

ATTEST:


Jonathan M. Douglass, City Clerk


APPROVED AS TO FORM AND LEGALITY:


Toni R. Wheeler
City Attorney



Z-14-00314: Rezone 0.269 acres from RM12 District to RMO District
SUP-14-00326: Special Use Permit for Rhody Delahunty Complex
Located at 1106 Rhode Island Street

Lawrence-Douglas County Planning Office
 September 2014

 Subject Property



East Lawrence Neighborhood Association

P.O. Box 442393
Lawrence, KS 66044
eastlawrence@yahoo.com



September 16th 2014

To: City of Lawrence
c/o Lynne Zollner, Historic Resources Officer
Mayor Dever
PO Box 708,
Lawrence, KS 66044

Re: 1106 Rhode Island rezoning

To Whom it may concern,

The East Lawrence Neighborhood Association strongly supports the application for the rezoning of 1106 Rhode Island from RM12 to RMO.

The neighborhood is excited to see completion of the 1106 Rhode Island project as it will be a beneficial addition to the neighborhood and downtown area - as well as providing a beautiful historic renovation to the Cultural Arts District.

Thank you,
East Lawrence Neighborhood Association
PO Box 442393
Lawrence, KS 66044

Aaron Paden
ELNA President
aaronpaden@gmail.com
785 840-6400



Tenants to Homeowners, Inc.

The Lawrence Community Housing Trust Program
2518 Ridge Court, Suite 103, Lawrence, Kansas 66046

842.5494 ♦ FAX 785.842.7570 ♦ lawrencelandtrust@yahoo.com ♦ www.tenants-to-homeowners.org

To: The City of Lawrence Planning Department, Planning Commission, and City Commission

Re: 1106 Rhode Island Proposal by Hernly Associates

Tenants to Homeowners, Inc. voted unanimously at our July 24, 2014 Board Meeting to support the Hernly Associates Special Use Permit application, rezoning, and zoning variances for the property at 1106 Rhode Island Street.

Tenants to Homeowners, Inc. and the Lawrence Community Housing Trust owns and manages the properties directly adjacent to the south property line of 1106 Rhode Island - 1110, 1114, 1118, and our historic rehab at 1120 Rhode Island.

1106 Rhode Island has been a neglected, blighted property directly north of our Rhode Island properties since long before the construction of our project. Our adjacent rental properties have had some issues with critters in their trash due to the old blighted structure there and the redevelopment of this site would improve the quality of life for those in our affordable housing here. The property is on the edge of the Historic Downtown area, South Park, and the Douglas County Courthouse and Law Enforcement Center and is an important part of the neighborhood history. The proposed project will clean up a very visible corner and will also help support the neighborhood revitalization in East Lawrence that we are a part of. We think the mixed uses proposed on the site are compatible with the area and with our directly adjacent property. We will see direct benefits to our property assets as a result of the project.

We fully support the approval of the Special Use Permit and associated rezoning and zoning variances.

Respectfully,

A handwritten signature in cursive script that reads "Rebecca Buford".

Rebecca Buford,
Executive Director
Tenants to Homeowners, Inc.