

PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item:

PC Staff Report
9/22/2014

**ITEM NO. 5B SPECIAL USE PERMIT FOR RHODY DELAHUNTY COMPLEX; 1106
RHODE ISLAND ST (LBZ)**

SUP-14-00326: Consider a Special Use Permit for Rhody Delahunty Complex for the development of two detached dwelling structures on a single lot in an RM District as required by Section 20-402 of the Land Development Code. The property is 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 SUP-14-00326 for two detached dwelling structures on a single lot in an RM District as required by Section 20-402 of the Land Development Code based upon the findings presented in the body of the staff report and subject to the following conditions:

1. Execution of a Site Plan Performance Agreement.

Applicant's Reason for Request: *The proposed project includes two detached dwellings along with a separate office structure on the same lot as part of a historic preservation/rehabilitation project. This is allowed through the Special Use procedures set out in 20-1306.*

KEY POINTS

- The proposed project will rehabilitate the existing structures on the property.
- The proposed project includes a mix of residential and office uses.
- Special Use Permit is required for detached dwelling structures in the RM District (20-402).

FACTORS TO CONSIDER

- Procedural requirements of Section 20-1306; Special Use Permits.
- Character of the Area – The proposed project continues the spacial relationships that characterize the East Lawrence Neighborhood.
- Conformance with *Horizon 2020*- The proposed project conforms with the key features of Chapter 3 in the plan as discussed in staff report Z-14-00314.

ASSOCIATED CASES/OTHER ACTION REQUIRED

- City Commission approval and publication of a Special Use Permit ordinance per Section 20-1306(j).
- 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.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- Communication from Tenants to Homeowners

ATTACHMENTS

1. Area Map
2. Site Plan

GENERAL INFORMATION

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

Summary of Special Use Request

The applicant is requesting a Special Use Permit to allow for two detached residential structures on a single lot as part of a rehabilitation project at 1106 Rhode Island Street. 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 rezoning from RM12 to RMO to allow for the addition of an office use. The proposed project also includes the rehabilitation of the existing structures and construction of 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.

Review and Decision-Making Criteria (20-1306(i))

NOTE: This review assumes approval of the proposed RMO District.

1. WHETHER THE PROPOSED USE COMPLIES WITH ALL APPLICABLE PROVISIONS OF THIS DEVELOPMENT CODE

Applicant's Response: The project includes historic preservation of structures that predate the adopted Development Code. The uses are compatible and somewhat less intense than the historic use. The proposed uses are also found in the general area of the project. Applicable provisions of the Development Code will be met outright or through the appropriate processes.

The proposed development includes two detached dwellings and an office building. The RMO district allows for office and residential uses. The project complies with the density standards of the RMO district. Because the property was developed prior to the Development Code, the existing structures do not comply with all of the dimensional standards of 20-601 for the RMO district. The applicant has requested variances for these existing conditions which the Board of Zoning Appeals approved on September 4, 2014. In addition, the Board of Zoning Appeals approved a variance request for a reduction in the parking lot setback from the street right-of-way as identified in 20-908(b).

Staff Finding – Pending approval and publication of the RMO zoning, the proposed uses conform to the use standards of the RMO District. As conditioned, the proposed development complies with the provisions of the Development Code regarding specific site plan elements.

2. WHETHER THE PROPOSED USE IS COMPATIBLE WITH ADJACENT USES IN TERMS OF SCALE, SITE DESIGN, AND OPERATING CHARACTERISTICS, INCLUDING HOURS OF OPERATION, TRAFFIC GENERATION, LIGHTING, NOISE, ODOR, DUST AND OTHER EXTERNAL IMPACTS

Applicant's Response: The proposed uses include low-density residential and professional office (architecture). These uses are found in the existing environs of the site. Hours of operation of the business will generally be daytime hours and it will not generate significant traffic, noise, odor, dust or other external impacts.

The proposed project will rehabilitate the existing structures on site that are character defining structures for the neighborhood. The new detached dwelling proposed for the southeast corner of the property is compatible in size, scale, massing and materials. The proposed site design will allow for open space on the northwest corner of the property. Historically, this has been open space. The proposed site design continues the spacial relationships of structure to green space found in the neighborhood.

The operating characteristics of the residential uses and the professional office use are compatible with the existing uses in the area. The traffic generated by the uses will be similar to the existing traffic as the office use is limited in size and the residential uses are one, three bedroom unit and one, one bedroom unit. Lighting proposed for the site is will be shielded and will complement the historic character of the property.

Staff Finding – The proposed uses are compatible with the existing uses in the neighborhood.

3. WHETHER THE PROPOSED USE WILL CAUSE SUBSTANTIAL DIMINUTION IN VALUE OF OTHER PROPERTY IN THE NEIGHBORHOOD IN WHICH IT IS TO BE LOCATED

Applicant's Response: Given that the current conditions of the subject property for many years have been described as blight, it is more likely that the values of other property would be increased rather than decreased with the proposed improvements.

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. 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.

Staff Finding – The proposed use will not cause substantial diminution in the values of other property in the neighborhood. The rehabilitation of this property will visually enhance the neighborhood by transforming the blighted property into a property that is well preserved.

4. WHETHER PUBLIC SAFETY, TRANSPORTATION AND UTILITY FACILITIES AND SERVICES WILL BE AVAILABLE TO SERVE THE SUBJECT PROPERTY WHILE MAINTAINING SUFFICIENT LEVELS OF SERVICE FOR EXISTING DEVELOPMENT

This property will be served by existing municipal water and sanitary sewer. No improvements are required for this infill redevelopment. Access points to the property exist on Rhode Island Street and 11th Street.

Staff Finding – Adequate public facilities and transportation access exist for this development. The redevelopment of property as infill rather than urban fringe development preserves efficient use of public services. The proposed use does not preclude the ability to service the existing uses in respect to public safety, transportation, and utilities.

5. WHETHER ADEQUATE ASSURANCES OF CONTINUING MAINTENANCE HAVE BEEN PROVIDED

This development includes two detached dwellings on a single parcel. The project is not designed to provide individual ownership of units. The Special Use Permit, if approved, will be the enforcement document for this site. The property owner will be responsible for maintaining the site consistent with the approved plan.

Staff Finding – Adequate assurances of continuing maintenance will be addressed with the site plan performance agreement.

6. WHETHER THE USE WILL CAUSE SIGNIFICANT ADVERSE IMPACTS ON THE NATURAL ENVIRONMENT

Applicant's Response: The existing lots are part of the original townsite plat and as such have been developed since 1871 or before. While the "natural environment" has made some progress on the lots in the last several decades of neglect we believe that the planned improvements will be generally beneficial through careful selection and care of natural elements on the lot that will remain.

The property has been developed at least since 1871. There are no natural/environmental features on the parcel.

Staff Finding – The proposed use will not cause significant adverse impacts on the natural environment.

7. WHETHER IT IS APPROPRIATE TO PLACE A TIME LIMIT ON THE PERIOD OF TIME THE PROPOSED USE IS TO BE ALLOWED BY SPECIAL USE PERMIT AND, IF SO WHAT THAT TIME PERIOD SHOULD BE.

This Special Use Permit is required to accommodate a specific building type (detached dwellings) in the multi-family district. This building type exists in the neighborhood. The proposed redevelopment of the site will rehabilitate an existing detached dwelling that was built c.1871 and will add an additional detached dwelling to the site.

Staff Finding – Staff does not recommend a time limit on the Special Use Permit.

STAFF REVIEW

A. Site Summary

The proposed development includes two detached dwellings and one professional office building. The residential units will be a three bedroom unit and a one bedroom unit. Surface parking is proposed as part of the project. The historic open space at the northwest corner of the property will be maintained. The additional proposed impervious surface area is due to the construction of the second detached dwelling and the paved parking areas.

PROPERTY SURFACE SUMMARY

<u>EXISTING SUMMARY</u>		<u>SUMMARY AFTER PROJECT COMPLETION</u>	
TOTAL BUILDINGS	= 2,607 S.F.	TOTAL BUILDINGS	= 3,308 S.F.
TOTAL PAVEMENT	= 443 S.F.	TOTAL PAVEMENT	= 4,851 S.F.
TOTAL IMPERVIOUS	= 3,050 S.F.	TOTAL IMPERVIOUS	= 8,159 S.F.
TOTAL PERVIOUS	= 8,650 S.F.	TOTAL PERVIOUS	= 3,541 S.F.
TOTAL PROPERTY AREA	= 11,700 S.F.	TOTAL PROPERTY AREA	= 11,700 S.F.

B. Access and Parking

Vehicle access to the property is provided from an existing curb cut on 11th Street. The existing curb cut on Rhode Island Street will access three parking spaces. The new garage will provide two spaces accessed from the alley. A total of 11 spaces are provided on-site to support the two dwelling units and new office uses. Pedestrian access will be in the form of sidewalks that extend from the public sidewalks on Rhode Island and 11th Street to the structures on site. Bicycle parking is located to the west of the barn structure that will be converted to the office space.

On-site Parking:

This project includes surface parking only. The parking spaces are arranged to accommodate the number of parking spaces required by code while maintaining as much as possible the historic character of the property including the greenspace in the northwest corner of the property.

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: = 2,010S.F. 2,010/300	= 7 spaces req.
Dwellings: = 2 proposed 2x2	= 4 spaces req.
<u>Total Required</u>	<u>= 11 spaces</u>
Standard Stall	= 8 spaces
ADA Van Accessible	= 1 space
<u>Garage</u>	<u>= 2 spaces</u>
<u>Total Provided</u>	<u>= 11 spaces</u>

C. Design Standards

The structures located on the property at 1106 Rhode Island Street are listed as contributing structures to the North Rhode Island Street Historic Residential District, National Register of Historic Places. The proposed project is therefore subject to review under the State Preservation Law (K.S.A. 75-2724, as amended). The design standards that must be used for the proposed project are the Secretary of the Interior's Standards for Rehabilitation. On August 21, 2014, the Historic Resources Commission reviewed the proposed project and found that the proposed project meets the standards.

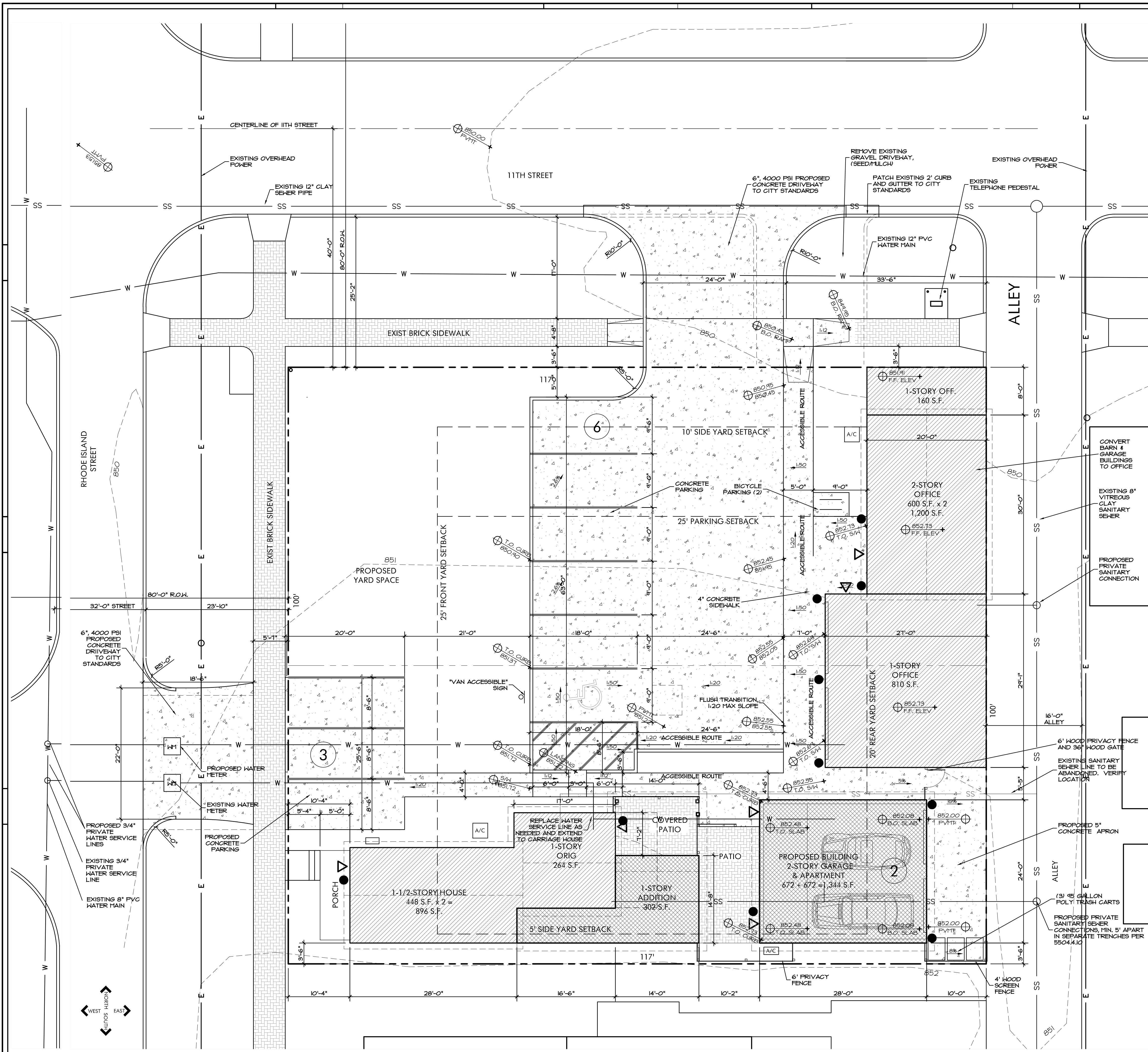
The property is also located in the environs of the English Lutheran Church (1040 New Hampshire), Lawrence Register of Historic Places and is subject to review under Chapter 22 of the City Code. A Certificate of Appropriateness is required for the physical alterations to the exterior of the existing structures and the construction of the proposed detached dwelling. 22-505 lists the standards to be used for review of a Certificate of Appropriateness. At their meeting on August 21, 2014, the Historic Resources Commission approved the Certificate of Appropriateness for this project.

Conclusion

Section 20-402 of the Land Development Code requires a Special Use Permit for detached dwellings in the RMO district. According to 20-508 of the Development Code,

A detached dwelling shall only be permitted to be constructed in an RM or RMO district, after the effective date, by approval of a Special Use Permit. A detached dwelling may be permitted to be constructed without approval of a Special Use Permit if it is located on its own platted lot, and if the majority of the properties on the block face are constructed as detached dwellings.

The proposed project includes a new detached dwelling on the same lot as an existing detached dwelling and a barn structure that will be rehabilitated into an office. Therefore, a Special Use Permit is required to allow for the new detached dwelling to be constructed on the lot with the existing structures.



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

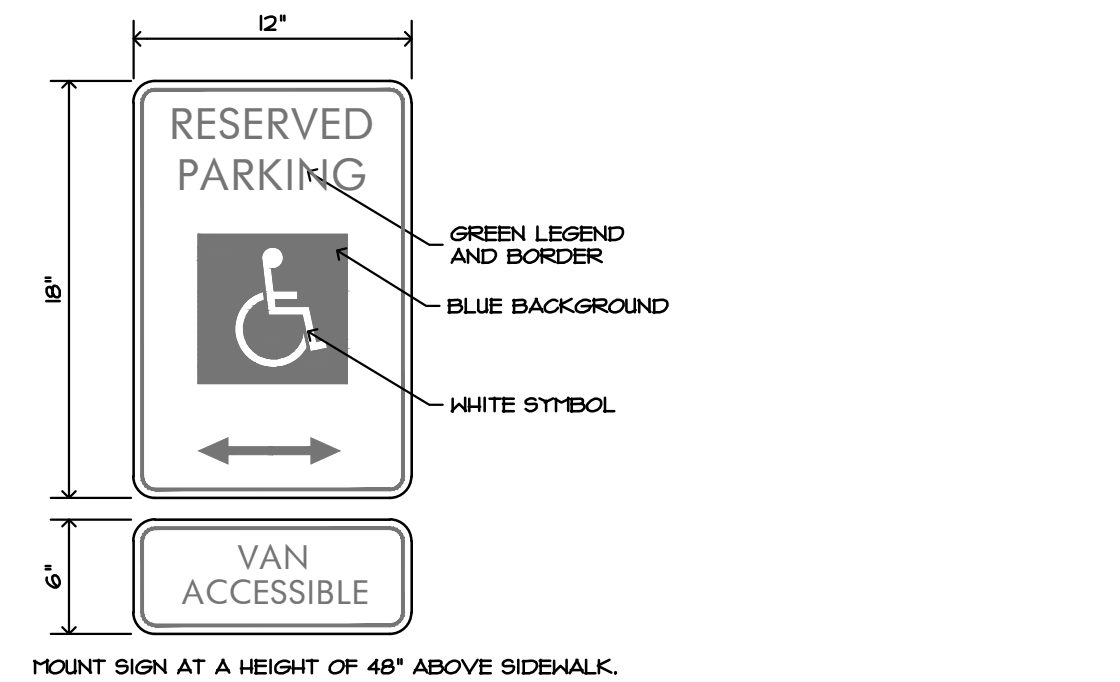
Special Use Permit Approved: (pending)

LIGHTING
100 WATT DECORATIVE WALL LIGHT

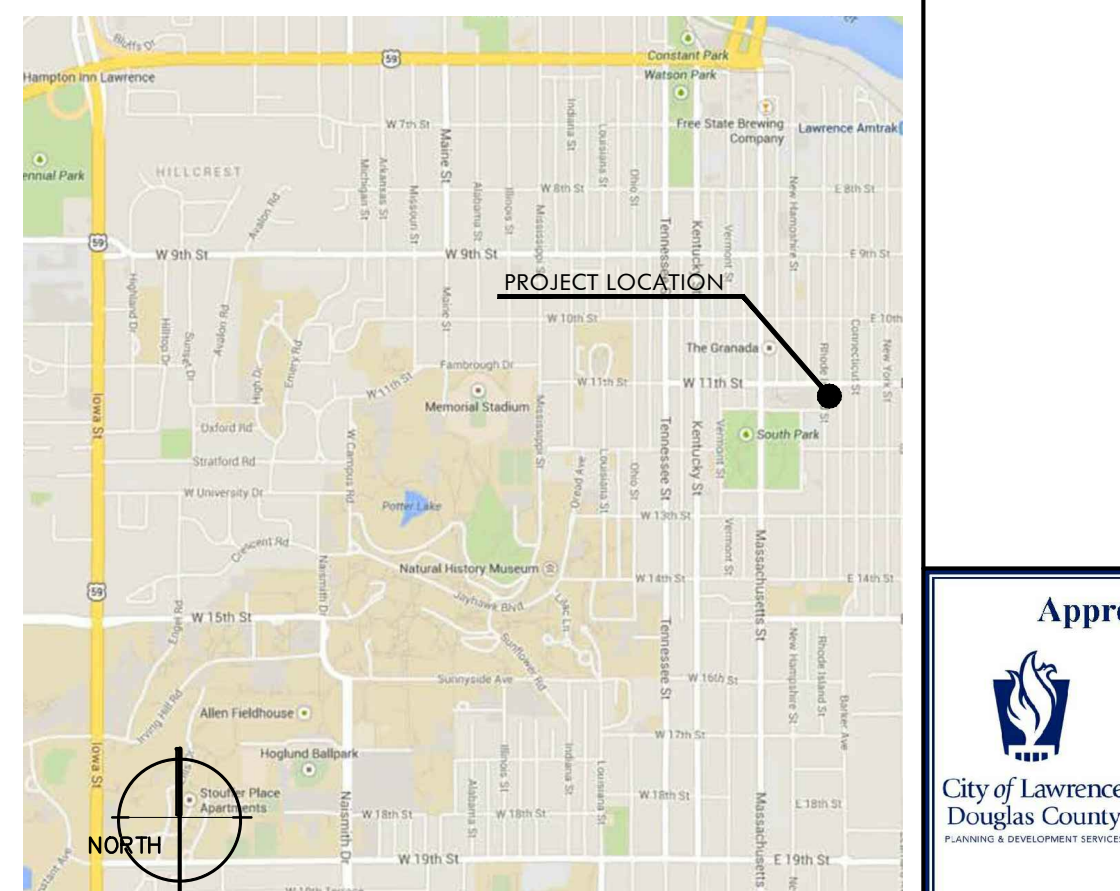
KEY

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.



SITE NOTES



LOCATION MAP

HISTORIC RHODY DELAHANTY COMPLEX

1100 - 1106 RHODE ISLAND
LAWRENCE, KANSAS

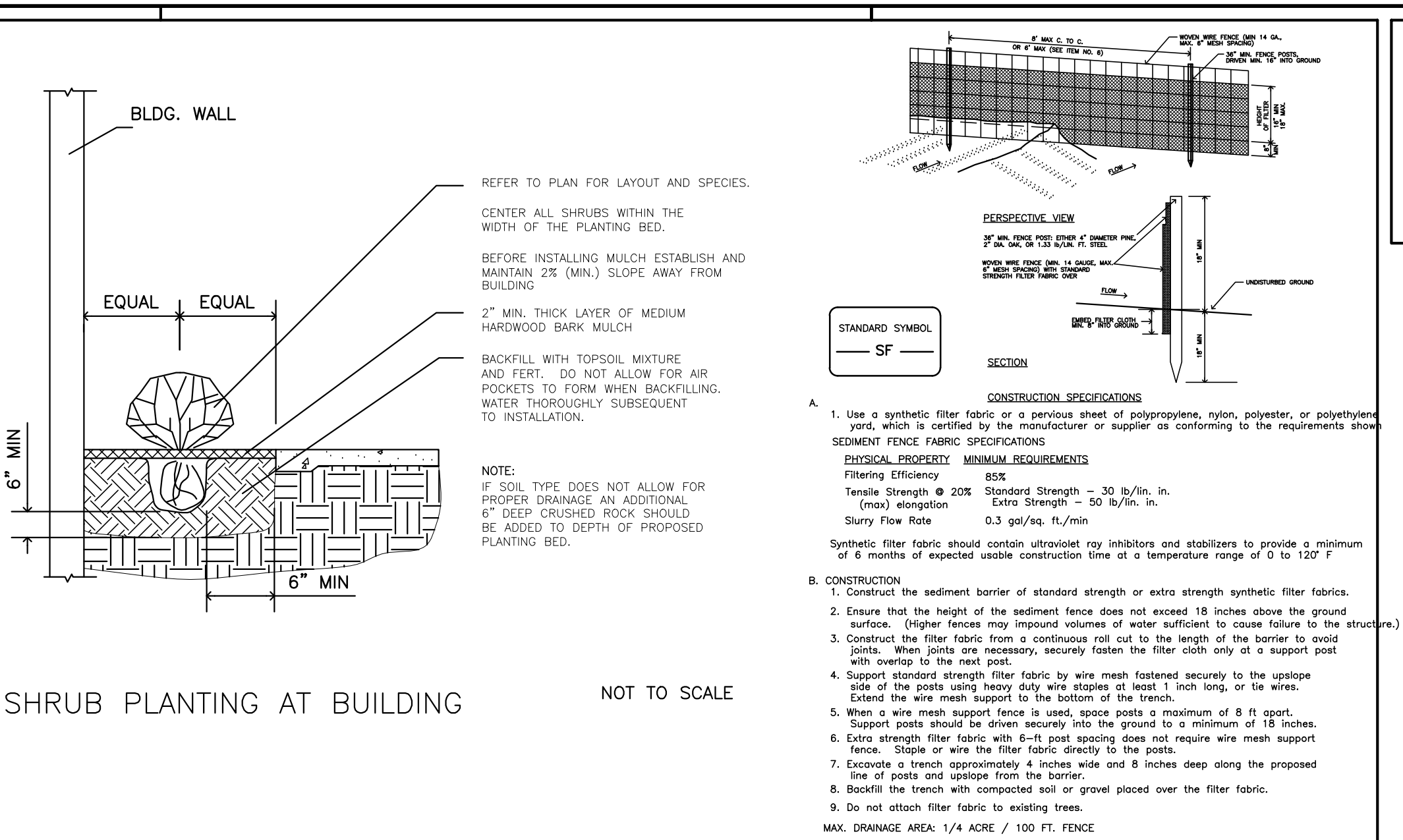
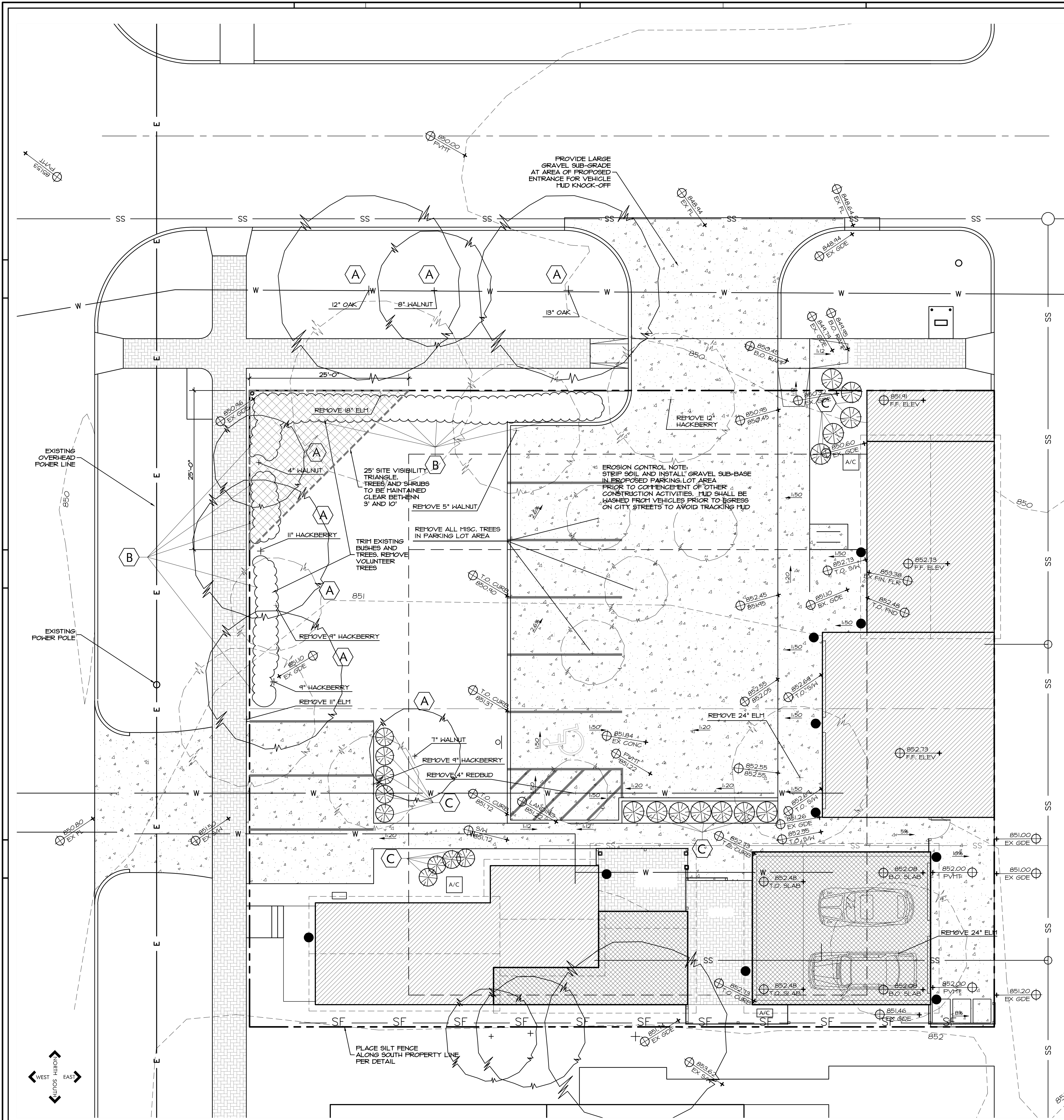
Hernly
ASSOCIATES

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: City of Lawrence
David Corliss, City Manager
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
(A)	Existing Deciduous Tree	8	Varies
(B)	Existing Privet Hedge	Cont.	3'
(C)	Proposed Winged Euonymus	21	24" ht.

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.

LANDSCAPE NOTES

HISTORIC RHODY DELAHUNTY COMPLEX
1100 - 1106 RHODE ISLAND
LAWRENCE, KANSAS

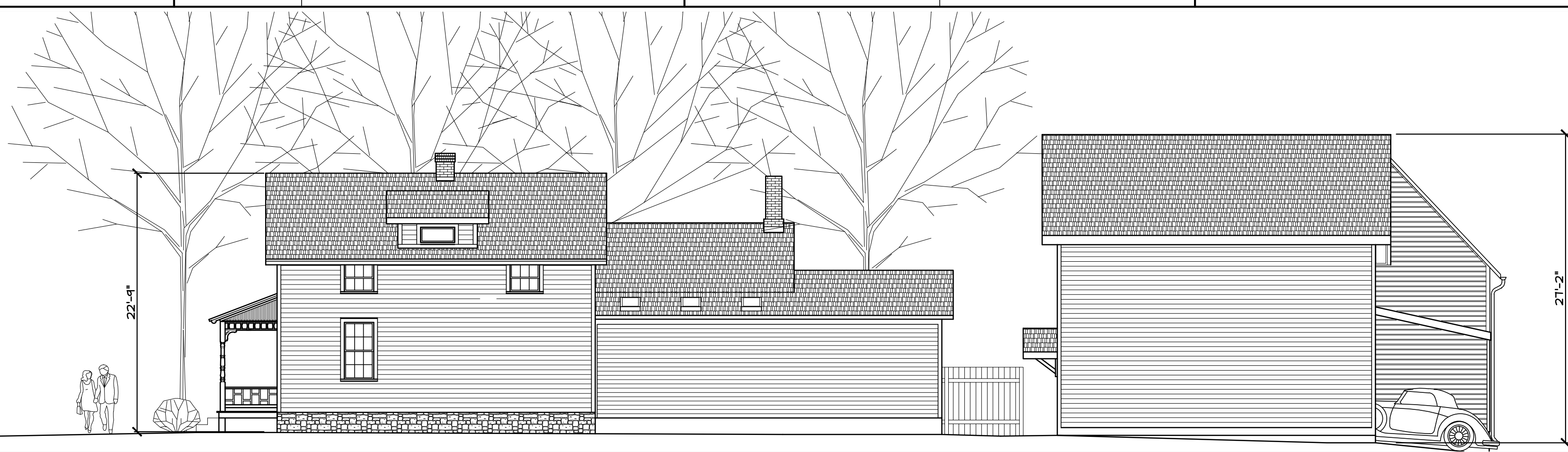
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LANDSCAPE PLAN

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

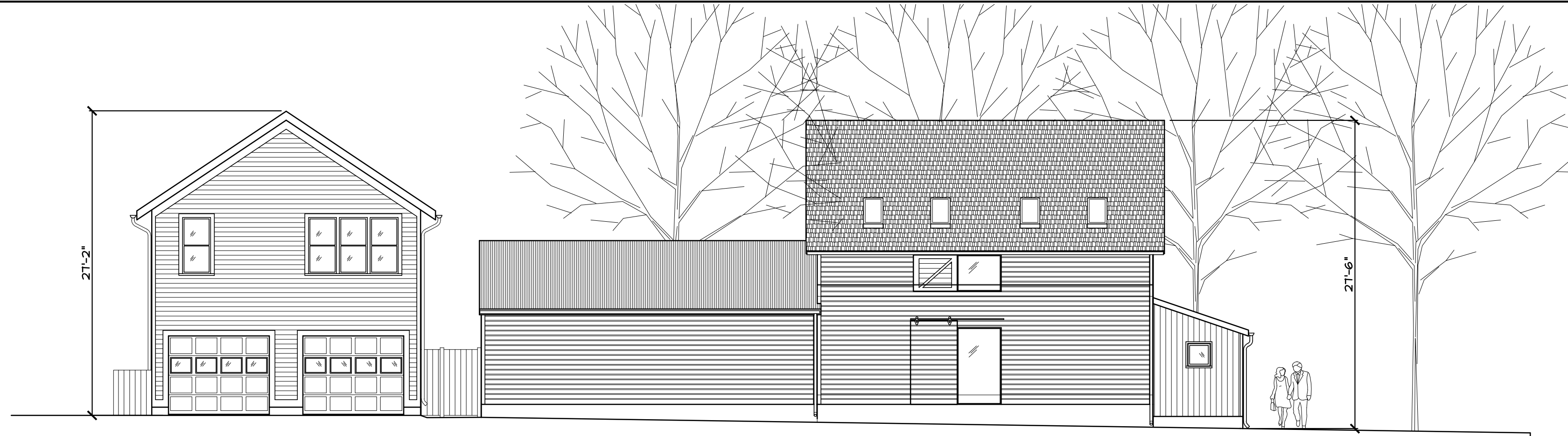
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1 SOUTH ELEVATION
1/8" = 1'-0"



2 NORTH ELEVATION
1/8" = 1'-0"



3 EAST ELEVATION
1/8" = 1'-0"



4 WEST ELEVATION
1/8" = 1'-0"

HISTORIC RHODY DELAHANTY COMPLEX
HISTORIC HOUSE - ROOM ADDITION/REMODEL
1100 - 1106 RHODE ISLAND, LAWRENCE, KANSAS

**Hernly
ASSOCIATES**

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SITE ELEVATIONS


Date: 2014/08/26
Drawn by: MUYERS
Checked by:
Revisions:

C2.0



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





LEAGUE OF WOMEN VOTERS®
OF LAWRENCE/DOUGLAS COUNTY

September 21, 2014

RECEIVED

SEP 22 2014

City County Planning Office
Lawrence, Kansas

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James Dunn

Midge Grinstead

Marlene Merrill

Austin Turney

Mr. Bruce Liese, Chair, and Planning Commission Members
Lawrence-Douglas County Metropolitan Planning Commission
City Hall
Lawrence, KS 66044

Dear Chairman Liese and Planning Commissioners:

RE: ITEM NO. 5B SPECIAL USE PERMIT FOR RHODY DELAHUNTY
COMPLEX; 1106 RHODE ISLAND ST (LBZ)

We believe that the renovation of the subject historical structures into a residential-office complex would benefit the area and the city. However, we have a major concern that would be alleviated by placing a condition on the Special Use Permit (SUP) of this complex. Please add the condition that the individual dwellings will not be sold or transferred to individual (separate) owners.

The reason for our request is that there is nothing in the language of the SUP that requires that separate ownership of individual detached dwellings on the same lot in multiple family districts be prohibited; only that an SUP is required to allow multiple detached dwellings on the same lot in multiple family districts.

We realize that the regulations require that the current intended owners must not transfer the buildings to other owners within a 5-year period. However, after this time limit we see no continued restrictions; hence the need for the condition on the SUP.

We ask again that you place a condition on the SUP for this property that prohibits the transfer of the individual detached dwellings to separate owners.

Thank you.

Sincerely yours,

Cille King
Cille King
President

Alan Black
Alan Black, Chairman
Land Use Committee