

## **LAWRENCE BOARD OF ZONING APPEALS**

### **AGENDA**

**JULY 6, 2017 – 6:30 P.M., CITY COMMISSION MEETING ROOM**

**1<sup>st</sup> FLOOR OF CITY HALL AT 6<sup>th</sup> AND MASSACHUSETTS STREET, LAWRENCE, KANSAS**

### **CALL THE MEETING TO ORDER**

### **TAKE A ROLL CALL TO DETERMINE IF THERE IS A QUORUM OF MEMBERS PRESENT**

#### **ITEM NO. 1      COMMUNICATIONS**

- a) Acknowledge communications to come before the Board.
- b) Board member disclosure of any ex parte contacts and/or abstentions from the discussion and vote on any agenda item under consideration.
- c) Announce any agenda items that will be deferred.

#### **ITEM NO. 2      MINUTES**

Consider approval of the minutes from the April 6, 2017, May 4, 2017, and June 1, 2017 meetings of the Board.

### **BEGIN PUBLIC HEARING:**

#### **ITEM NO. 3      VARIANCE FROM THE REAR BUILDING SETBACK FOR AN UNCOVERED HORIZONTAL STRUCTURE; 4821 W. 26<sup>th</sup> STREET [JSC]**

**B-17-00290:** A request for a variance as provided in Section 20-1309 of the Land Development Code of the City of Lawrence, Kansas, 2015 edition. The request is for a variance from the 30 foot rear setback standard required by Section 20-601(a) of the City Code for the RS7 (Single-Dwelling Residential) District. The applicant is seeking a variance from this code standard reducing the rear setback to a minimum of 12 feet to allow for the construction of an uncovered horizontal structure. The property is located at 4821 W. 26<sup>th</sup> Street. Submitted by Allison Wilson, property owners of record.

#### **ITEM NO. 4      VARIANCE FROM THE REAR BUILDING SETBACK FOR A RESIDENTIAL DWELLING; 5120 CODY COURT [JSC]**

**B-17-00275:** A request for a variance as provided in Section 20-1309 of the Land Development Code of the City of Lawrence, Kansas, 2015 edition. The request is for a variance from the 30 foot rear setback standard required by Section 20-601(a) of the City Code for the RS7 (Single-Dwelling Residential) District. The applicant is seeking a variance from this code standard reducing the rear setback to a minimum of 12.5 feet to allow for the construction of a covered attached deck. The property is located at 5120 Cody Court. Submitted by Jim and Allison Nye, property owners of record.

**ITEM NO. 5**      **CITY OF LAWRENCE FIRE STATION NO. 1 SITE AREA AND  
STRUCTURE SETBACKS FROM ALL PROPERTY LINES; 745 VERMONT  
STREET [JMB]**

**B-17-00285:** A request for variances as provided in Section 20-1309 of the Land Development Code of the City of Lawrence, Kansas, 2015 edition. The first request is for a variance to reduce the 40 foot minimum front setback requirement listed in Section 20-601(b) of the City Code to a minimum of 9 foot, 6 inches feet. The second request is for a variance to reduce the 40 foot minimum exterior side setbacks requirement listed in Section 20-601(b) of the City Code to a minimum of 16 feet from the west property line, and 37 feet from the eastern property line. The third request is for a variance to reduce the 15 foot minimum rear setback requirement listed in Section 20-601(b) of the City Code to a minimum of 9 feet, 5 inches. The property is located at 745 Vermont Street. Submitted by Jay Zimmerschied, Zimmerschied Architecture, for the City of Lawrence, Kansas, property owner of record.

**ITEM NO. 6**      **PARKING VARIANCE FOR A MIXED USE STRUCTURE; 1420 CRESCENT  
DRIVE [JSC]**

**B-17-00284:** A request for a variance as provided in Section 20-1309 of the Land Development Code of the City of Lawrence, Kansas, 2015 edition. The request is for a variance from Article 9, "Parking, Loading and Access," requiring a minimum number of off-street parking spaces to be provided from a required 56 spaces to 30 spaces. The property is located at 1420 Crescent Road. Submitted by David Hamby, BG Consultants, Inc., on behalf of Axiom Equities, L.L.C., property owners of record.

**ITEM NO. 7**      **MISCELLANEOUS**

- a)            Consider any other business to come before the Board.

**LAWRENCE BOARD OF ZONING APPEALS**  
**Meeting Minutes of APRIL 6, 2017 – 6:30 p.m.**

---

Members present: Gardner, Gascon, Holley, Mahoney, Wilbur, Wisner  
Staff present: Cargill, Crick, Day, Miller

**ITEM NO. 1      COMMUNICATIONS**

- a) Acknowledge communications to come before the Board. no
- b) Board member disclosure of any ex parte contacts and/or abstentions from the discussion and vote on any agenda item under consideration. no
- c) Announce any agenda items that will be deferred. no

**ITEM NO. 2      MINUTES**

Consider approval of the minutes from the March 2, 2017 meeting of the Board.

**ACTION TAKEN**

Motioned by Mahoney, seconded by Wilbur, to approve the minutes from the February 2, 2017 meeting of the Board.

Motion carried 5-0-1.

**ACTION TAKEN**

Motioned by Mahoney, seconded by Holley, to approve the minutes from the March 2, 2017 meeting of the Board.

Motion carried 3-0-3.

**BEGIN PUBLIC HEARING:**

**ITEM NO. 4      APPEAL OF AN ADMINISTRATIVE DECISION REQUIRING PUBLIC IMPROVEMENTS REQUIRED AS PART OF A FINAL PLAT APPROVAL FOR NAISMITH CREEK ADDITION AT 751 W. 29TH TERRACE [SLD]**

**B-17-00109:** Consider an appeal filed by Brian Strum, Landplan Engineering, P.A., representing Savannah Holdings, L.L.C., property owner of record of the real property at 751 W. 29<sup>th</sup> Terrace. The appeal challenges an administrative determination and certification, issued by letter dated February 3, 2017, by the Planning Director, which requires construction of a pedestrian pathway across city property to be paid for by the developer. The appeal was filed under the guidelines of Section 20-813 (f)(1) in the Land Development Code of the City of Lawrence, Kansas, 2015 edition. Reasons for filing this appeal are cited by the appellant in their appeal packet dated March 3, 2017, and received in the Planning Office on March 3, 2017.

**STAFF PRESENTATION**

Ms. Sandy Day presented the item.

**APPLICANT PRESENTATION**

Mr. Brian Sturm, Landplan Engineering, said this is a culminating point of a project that has progressed over several years. He explained previous steps in the project, including the rezoning of 14 acres of land, and ultimately explained that the point of contention is over the financing of the proposed bike path.

Mr. Dennis Snodgrass, property owner (Savannah Holdings) said he's had many discussions with the

City over the years and explained the history of the property and the reason for their request.

Gascon asked if they are putting in the roadway and dedicating it back to the City.

Snodgrass said he doesn't know. He stressed that this is not a typical situation.

## **NO PUBLIC COMMENT**

## **ACTION TAKEN**

Motioned by Gardner, seconded by Wilbur, to close public comment for the item.

Unanimously approved 6-0.

## **BOARD DISCUSSION**

Mahoney thanked the applicants for attending this evening. He said this is an unfortunate situation and doesn't believe the Board has the power to act on decisions made in the past. He thanked Mr. Snodgrass for his contributions and he reminded the Board of their task this evening.

Gardner said it doesn't seem right.

Wilbur asked staff what requires an applicant to pay for the construction of the bike path.

Mahoney directed him to a page in the packet. He said he has no doubt it is the responsibility of the developer to construct the path and does not feel the City erred in their decision.

Wilbur agreed.

Gascon asked if this was disclosed to the appellant when the land was donated.

Day said they've known all along that there was an expectation for that sidewalk and they made it clear to staff they didn't feel it was their responsibility. A change in the subdivision regulations in 2006 streamlines the appeal process for such matters directly to the BZA instead of the Planning Commission or City Commission.

Gascon asked when the land was donated.

Day said probably around 2014.

Gascon asked if the City disclosed their intent to charge the developer with the costs in question.

Day said she can't confirm that specific statement was ever made.

Gascon feels it was the moral responsibility of the City to disclose those costs.

Mahoney said it's important to note that the landowner intended to develop for financial gain and this issue is based purely on financial matters.

Gardner said it's kind of an insult to injury to donate land and then not disclose those development costs.

Mahoney said it may have been but he doesn't feel the Board can make decisions based on past discussions, and as a developer they should know what is required to develop a piece of land.

Wisner asked staff if the City has any discretion as to whether they can waive cost assessment to the



landowner.

Day said it's not an assessment. She said the City could work with the developer, but what is currently proposed is a very specific type of sidewalk. She's unsure if they could work with the applicant on different materials or sidewalk width.

Wisner said he supports staff's decision but would like to know if the City can consider the circumstances to defray the costs.

Day said the land that was donated is primarily floodway and is not a developable portion of land. She explained the difficulty in finding a suitable location for the pathway south of the floodway. The City does have an ability to work with the applicant on finance of structure based on design.

Mahoney said

Holley asked if the applicant would have a way to request that the donated property could be subdivided out.

Day said the donated land is not part of the subdivision. She explained the public improvement plans and how they tie into the subdivision.

Gascon said most people would consider this a trail- typically a sidewalk is connected to urban fabric but this is essentially a sidewalk floating in space.

Mahoney said it connects to Missouri street.

Gascon said he understands and supports the loop, but if it wasn't the City's desire to create a loop no developer would have to connect to it. Perhaps this shouldn't be required based on the definition of a pedestrian way.

Mahoney said the simple answer is because it's required.

Crick pointed to the definition of "pedestrian way" included in the staff report.

They discussed the definition of pedestrian way and connections to the Lawrence Loop.

Gascon said he's not convinced and he won't be.

Day brought up a map of other subdivisions in the City that have made similar loop connections.

Gascon ultimately feels this is a wrong that needs to be made right.

Holley said he shares similar views with Gascon.

Mahoney said it's too bad it got to this point but the time for negotiation has passed.

Gascon reiterated the definition of pedestrian walkway.

Wilbur said he can see where Gascon is coming from. He feels the City needs to be more consistent.

Mahoney said he feels a street is a street and it's connecting two streets.

They chose to take a vote on whether staff erred in their decision:

Gascon, Wilbur, Holley, and Gardner voted yes.

Wisner and Mahoney voted no.

### **ACTION TAKEN**

Motion to make the determination that staff erred in their decision to require the developer to pay for the roadway carried 4-2.

### **ITEM NO. 5      VARIANCES FROM FLOODPLAIN REGULATIONS FOR THE RIVERFRONT MALL FROM FLOODWAY RESTRICTIONS AND MECHANICAL EQUIPMENT ELEVATION AT 1 RIVERFRONT PLAZA [AAM]**

**B-17-00124:** A request for variances as provided in Section 20-1309 of the Land Development Code of the City of Lawrence, Kansas, 2015 edition. The first request is a variance from the code allowing an existing development to remain in the floodway as defined in Section 20-1204(b) of the City Code. The second variance is to allow certain existing mechanical equipment to remain in their current locations without being elevated 1 foot above base flood elevation as required by Section 20-1204 (e)(3)(i)(a)(1) of the City Code. The property is located at 1 Riverfront Plaza. Submitted by the City of Lawrence, the land owner of record, and Riverfront L.L.C. and Spring Hill Suites by Marriott, the structure owners of record.

### **STAFF PRESENTATION**

Ms. Amy Miller presented the item.

Gardner asked if they would consider alternative solutions to elevating the mechanicals.

Miller said they believe there are two units in the enclosure that would not meet the elevation requirements and they're already on blocks, which seems to be the cheapest and easiest solution.

Gardner asked if the City is responsible for the damage or repair if the variance is approved.

Miller said the City would not be responsible regardless of who the property owner is. It also doesn't exempt them from any insurance requirements. The decision wasn't just made based on the structure but also on the contours of the property. She said the electric that services those mechanicals is well above one foot.

Gardner asked how FEMA feels about the request.

Miller said they were supportive of the variance. Everyone recognizes that this is an existing situation.

Holley said he appreciates the thorough investigation on this item.

### **NO PUBLIC COMMENT**

### **ACTION TAKEN**

Motioned by Gascon, seconded by Gardner, to close public comment for the item.

Unanimously approved 6-0.

### **BOARD DISCUSSION**

Mahoney said these are always cut and dry and feels this is a slam dunk.

**ACTION TAKEN**

Motioned by Holley, seconded by Wisner, to approve the variances based on Board discussion and the staff report.

Unanimously approved 6-0.

**ITEM NO. 6 MISCELLANEOUS**

a) Consider any other business to come before the Board.

Crick clarified the requirements about ex parte communications.

Gardner asked whether an email that is received but not opened is included in those requirements.

Crick said yes just because you received it.

Mahoney mentioned a training they had regarding these rules.

Gascon asked if it's best practice to just email and ask for staff's opinion.

Crick said yes that's fine.

**ADJOURN 7:45 PM**

**LAWRENCE BOARD OF ZONING APPEALS**  
**Meeting Minutes of May 4, 2017 – 6:30 p.m.**

---

Members present: Clark, Gardner, Gascon, Wilbur, Wisner

Staff present: Cargill, Crick, Walthall

**ITEM NO. 1      COMMUNICATIONS**

- a) Acknowledge communications to come before the Board.
- b) Board member disclosure of any ex parte contacts and/or abstentions from the discussion and vote on any agenda item under consideration.
- c) Announce any agenda items that will be deferred.

**ACTION TAKEN**

Motioned by Gardner, seconded by Gascon, to appoint Wilbur as temporary Chair.

Unanimously approved 5-0.

**ITEM NO. 2      MINUTES**

Consider approval of the minutes from the April 6, 2017 meeting of the Board.

Item deferred.

**BEGIN PUBLIC HEARING:**

**ITEM NO. 3      VARIANCE FROM THE REAR BUILDING SETBACK FOR A RESIDENTIAL DWELLING; 303 PROVIDENCE ROAD [JSC]**

**B-17-00163:** A request for a variance as provided in Section 20-1309 of the Land Development Code of the City of Lawrence, Kansas, 2015 edition. The request is for a variance from the 30 feet rear building setback standard required by Section 20-601(a) of the City Code for the RS10 (Single-Dwelling Residential) District. The applicant is seeking a variance from this code standard to allow for construction of a 19 foot, 4 inch deck addition that will reduce the rear building setback to a minimum of 18 feet. The property is located at 303 Providence Road. Submitted by Grant Caffrey, property owner of record.

**STAFF PRESENTATION**

Crick presented the item.

Wilbur asked if the county club is the only adjacent property owner.

Crick said yes.

Wisner asked if the parcel is split.

Crick explained that platted lot 42 is in two different parts, half in 303 Providence Road and half to the neighbor to the north. The parcel encumbers the bulk of lot 42.

Gardner said the home's orientation is unique to the neighborhood. He asked if side yard setback in this case is the primary focus.

Gascon asked for the definition of side yard and rear yard.

Crick said that rear yard is defined as being parallel to the front yard setback; here, it is along Providence Road. The interior side yard setbacks run perpendicular to the front and rear side yards by code.

Gardner said the unique criteria seems to be met.

Clark asked if there is a height limit for structures affecting the setback.

Crick said anything over 30 inches above grade triggers a building permit and setback requirements.

Clark asked if the deck is taller than 30 inches.

Gardner said it is.

### **APPLICANT PRESENTATION**

Mr. Grant Caffrey, property owner, said he built the deck without realizing he needed a permit. He mentioned that the deck backs up to open space and he's been working hard on improving the property.

Gardner asked if the brick pillars are for a fence.

Caffrey said yes.

Wisner asked how the property is situated in relation to the golf course.

Caffrey said it's pretty far from the nearest green and is slightly downhill from it.

Gascon asked how he became aware that he was out of compliance.

Caffrey said he received a certified letter.

Crick said staff believes it was the result of a complaint.

Wisner asked for the total deck area.

Caffrey said around 750 sq ft.

Wisner concluded that the portion of deck out of the setback is maybe 1/6.

### **ACTION TAKEN**

Motioned by Wilbur, seconded by Gardner, to close public comment.

Unanimously approved 5-0.

### **BOARD DISCUSSION**

Wilbur said they meet the uniqueness criteria and the circumstances are unique- the country club isn't going anywhere and the property backs up to green space.

Gascon said the setback code- specifically for rear yard setbacks- isn't serving a legitimate purpose.

Wisner said it's just a sliver of the deck that's out of compliance.

Gardner said it meets uniqueness and does not have an adverse effect, but they need to find that the request meets all five conditions including that of hardship.

They discussed how to define a hardship.

Clark asked what happens if the variance is denied.

Mr. Barry Walthall said the building permit could not be approved as submitted. He said it would need to be redesigned or the deck would need to be removed.

Clark asked staff for guidance as to the Board's role in making a proper determination.

Crick said their role is to make a ruling on the code itself using the five conditions. They're not questioning the code's existence, but whether it's being applied equally and fairly throughout.

Gardner asked for examples of a hardship if money is not one.

Wilbur said a change in zoning code is considered a hardship.

Gascon asked if the house violates the side yard setback.

Crick said it did not violate the side yard setback under the 1966 code.

Gascon said that the house was built under a different zoning code that allowed deviations from the code that are not permissible under the current code.

Crick said he wouldn't necessarily disagree with that but new construction must comply with the current code, not a code that has been superseded.

Clark noted that the letter from the country club was supportive and they are the only neighbor affected.

Wilbur asked Gascon to repeat the suggested hardship.

Gascon said the 1966 code that allowed deviance from the traditional setback created an orientation that is unique to the property, and because those deviations have changed, there is a hardship.

#### **ACTION TAKEN**

Motioned by Wilbur, seconded by Gardner, to approve the variance based on the uniqueness and hardship criteria due to the 1966 code at the time the home was built, and because the request meets the spirit of the code.

Approved 4-1 Clark dissenting.

#### **ITEM NO. 4 MISCELLANEOUS**

a) No other business to come before the Board.

**ADJOURN 7:08 PM**

**LAWRENCE BOARD OF ZONING APPEALS**  
**Meeting Minutes of June 1, 2017 – 7:18 p.m.**

---

Members present: Gardner, Gascon, Holley, Mahoney, Wilbur, Wisner  
Staff present: Cargill, Crick, Larkin

**ITEM NO. 1      COMMUNICATIONS**

- a) No additional communications.
- b) No ex parte contacts or abstentions.
- c) No agenda items deferred.

**ITEM NO. 2      MINUTES**

Consider approval of the minutes from the April 6, 2017 meeting of the Board.

Item deferred.

**BEGIN PUBLIC HEARING:**

**ITEM NO. 3      VARIANCE FROM THE REAR BUILDING SETBACK FOR A RESIDENTIAL DWELLING; 809 MOUNDRIDGE DRIVE [JSC]**

**B-17-00218:** A request for a variance as provided in Section 20-1309 of the Land Development Code of the City of Lawrence, Kansas, 2015 edition. The request is for a variance from the 20 foot rear setback standard required by Section 20-601(a) of the City Code for the RM12 (Multi-Dwelling Residential) District. The applicant is seeking a variance from this code standard reducing the rear setback to a minimum of 17.25 feet to allow for the construction of a roofed 10 foot by 11 foot attached sun porch. The property is located at 809 Moundridge Drive. Submitted by Todd and Colleen Pederson, property owners of record.

**STAFF PRESENTATION**

Mr. Jeff Crick presented the item.

**APPLICANT PRESENTATION**

Mr. Todd Pederson, property owner, explained details of the proposed project prompting the variance request.

**NO PUBLIC COMMENT**

**ACTION TAKEN**

Motioned by Gardner, seconded by Holley, to close public comment for the item.

Unanimously approved 7-0.

**BOARD DISCUSSION**

Mahoney feels the request meets the five conditions and he sees no adverse effects.

**ACTION TAKEN**

Motioned by Gardner, seconded by Wisner, to approve the variance based on staff's findings and for meeting the five conditions.

Unanimously approved 7-0.

**ITEM NO. 4 MISCELLANEOUS**

- a) Mr. Larkin presented KOMA training and general Board rules.
- b) No other business to come before the Board.

**ADJOURN 7:59 pm**



**ITEM NO. 3**      **VARIANCE FROM THE REAR BUILDING SETBACK FOR AN UNCOVERED HORIZONTAL STRUCTURE; 4821 W. 26<sup>th</sup> STREET [JSC]**

**B-17-00290:** A request for a variance as provided in Section 20-1309 of the Land Development Code of the City of Lawrence, Kansas, 2015 edition. The request is for a variance from the 30 foot rear setback standard required by Section 20-601(a) of the City Code for the RS7 (Single-Dwelling Residential) District. The applicant is seeking a variance from this code standard reducing the rear setback to a minimum of 12 feet to allow for the construction of an uncovered horizontal structure. The property is located at 4821 W. 26th Street. Submitted by Allison Wilson, property owners of record.

**B. REASON FOR REQUEST**

Applicant's Request – *“Because of a couple of utility easements that occupy nearly all of our backyard, we are requesting this variance to install a 12-foot x 24-foot, above-ground pool at 4821 W. 26th Street. We have discussed this situation with a number of utility company representatives and a couple of people who work for the city and are requesting an adjustment of the building setbacks from 30 feet to 10 feet.*

*The proposed swimming pool will encroach into the 30-foot rear yard setback by 18 feet.”*

**C. ZONING AND LAND USE**

Current Zoning & Land Use:                      RS7 (Single-Dwelling Residential) District; residential dwelling

Surrounding Zoning and Land Use:              RS7 (Single-Dwelling Residential) District to the north, east, and west; single-dwelling residential homes.

PCD - Aberdeen South (Planned Commercial District) to the south; Aberdeen Apartments.

**D. ZONING ORDINANCE REQUIREMENTS**

Section 20-601(a), “Density and Dimensional Standards; Occupancy Limits – Residential Districts,” has standards defining the minimum building setbacks for residential dwellings based upon each residential zoning district. In the RS7 District, the minimum rear building setback is listed to be 30 feet.

**E. SPECIFIC ANALYSIS**

Section 20-1309(g)(1) in the Development Code lists the five requisite conditions that have to be met for a variance to be approved.

**1. The variance request arises from such conditions which are unique to the property in question and not ordinarily found in the same zone or district; and are not created by an action or actions of the property owner or applicant.**

Applicant response: *"Because of a 33-foot easement with Southern Star Central Gas Pipeline, Inc., and a 17-foot sewer easement in the backyard, we are severely limited in what we can and cannot build. We have reached an encroachment agreement with Southern Star and had conversations with all other utilities both about the ability to move forward with our plans and the risk involved. Because the land development code does not allow for accessory structures in the front setback and, per our conversation with the city, we agree to put the pool wall at least 20 feet from the back of the house and no closer than 5 feet to the rear property line so as not to have to reapply for a variance if a field adjustment is necessary. Our intent is to install the pool so that it is not directly on top of any existing underground utilities, i.e. Westar and Wow!"*



**Figure 1: Subject Property & Easements**

While most yards in recent subdivisions contain easements for various utilities, the extent of the easements in this portion of Lawrence are unique. The request for the variance arises from a unique platted condition with the rear yard of this property. Two platted easements, one for a wastewater line and another for a high-pressure gas transmission line, encumber the totality of the rear yard.

Due to servicing and accessing concerns, the proposed structure could not be located within the City of Lawrence utility easement; therefore, the next possible location is within the the Southern Star gas line

easement. Gas line easements are frequently larger in coverage, meaning the line is accessible by a much larger amount of land than just for the placement of the pipe. Due to this usage, it is possible to place the pool within the Southern Star easement in a manner that does not hinder access to the pipe should it need maintenance. The City of Lawrence cannot issue building permits for structures within easements, unless the easement holder grants permission. In this instance, Southern Star has granted permission for the pool. However, locating the pool within the Southern Star easement would place it in violation of the rear setback required by the Land Development Code.

The Land Development Code requires structures more than 2.5 feet above the ground to comply with the setback requirements for structures as delineated in Section 20-601(a). Uncovered horizontal structures are outlined in Section 20-602(e)(6)(vii), noting:

"Uncovered horizontal Structures are items such as decks, stairways, entry bridges, wheelchair ramps, swimming pools, hot tubs and tennis courts that extend no more than 2.5 feet above the ground are allowed in required Setbacks; such Structures may be enclosed by fences, in accordance with other provisions of this section but shall not be otherwise enclosed. Swimming pools shall be fenced in accordance with Chapter 5, City Code."

The recording of the platted easement is not created by the actions of the owners. While both easements encumber most of the southern side of this block, it is a unique condition in relation to this property.

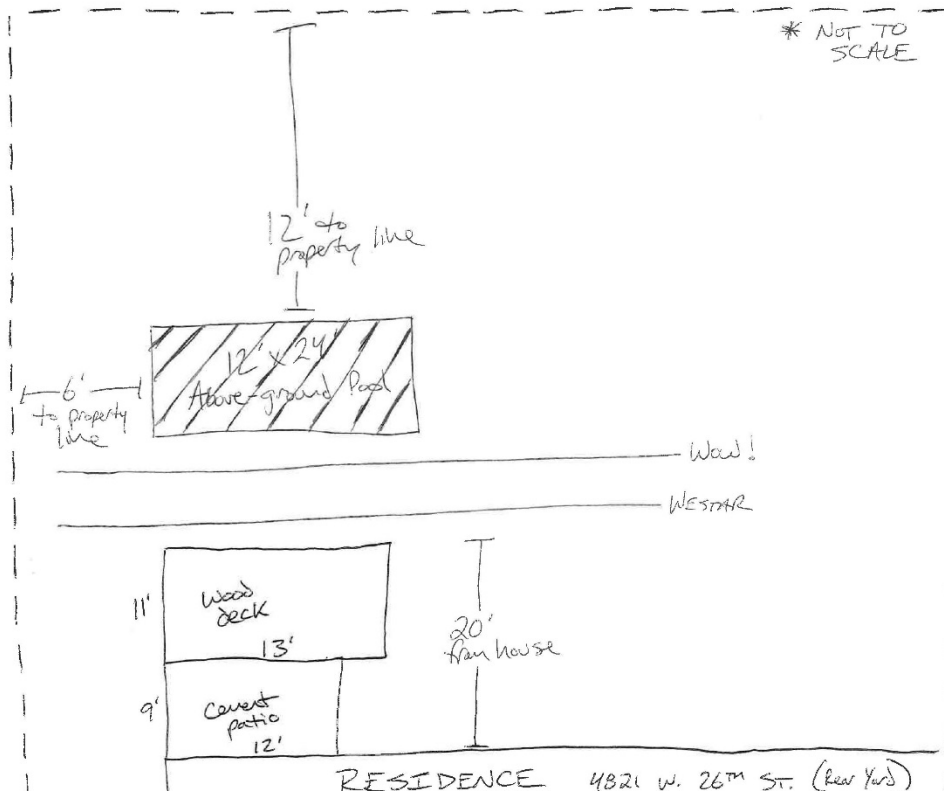


Figure 2: Applicant's Sketch of Proposed Pool Location

**2. That the granting of the variance will not adversely affect the rights of adjacent property owners or residents.**

*Applicant response: "Because of the Southern Star Central Gas Pipeline, Inc., easement and the presence of Aberdeen Apartments directly behind our property to the south, there is a great deal of distance between our yard and the closest structure. In addition, because the depth of the pool (54 inches) ensures that the height of the pool wall will be below the height of the privacy fence surrounding our property, the adjustment of the variance and addition of the pool may not even be noticed by other residents in our neighborhood. Therefore we feel the variance requested will not adversely affect the rights of the adjacent property owners or residents."*

In staff's opinion, the requested variance would not adversely affect the rights of adjacent property owners or residents. Notice was provided to property owners within 400 feet of the subject property informing them of the application filed by the property owner. As of the time this report was written, staff has not been contacted by any property owner expressing concerns or objections to the applicant's request.

**3. That the strict application of the provisions of this chapter for which variance is requested will constitute unnecessary hardship upon the property owner represented in the application.**

*Applicant response: "The owners are trying to enhance the livability of their residence. The layout and style of this development is very repetitive and 'cookie cutter.' And we are, in a sense, trying to personalize the home. Given that the rear yard is handcuffed by easements and the building setbacks, strict adherence to the code makes changes of any kind difficult."*

In staff's opinion, strict adherence to the code required building setbacks may constitute an unnecessary hardship. While other properties are also encumbered by the same easements, the complete encumbrance of the rear yard presents some strict limitations on the potential development and use of this yard. The owner's ability to have the pool located outside of the smaller City of Lawrence utility easement ensures the protection of the sewer pipe serving the neighborhood, and the willingness of Southern Star to permit an above-ground pool within their line easement is vital to this application. Without the written permission of the utility granting the use of the land above the easement, the consideration of this variance would not be possible.

**4. That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare.**

*Applicant response: "We feel the variance requested will not adversely affect any of the above due to the fact that any and all aspects pertaining to the proposed pool will be limited to our property only."*

In staff's opinion, granting the requested variance will not create an adverse effect upon the public health, safety, morals, order, convenience, prosperity or general welfare. The request in question is contained within the parcel owned by the applicant. This structure would not create any spill-over noxious effects to the surrounding area.

**5. That granting the variance desired will not be opposed to the general spirit and intent of this chapter.**

Applicant response: *"The general spirit and intent of the Development Code is to provide order, safety, convenience and promote public health, well-being and prosperity. We feel the variance requested will enhance the property aesthetically and functionally."*

In staff's opinion, granting the setback variance would not be opposed to the general spirit and intent of the Land Development Code. The reasoning for a rear setback is to ensure usable green space for residences and properties, while also buffering possible conflicts from adjacent property owners. In this particular instance, the easements hinder the ability to make improvements to this property, but do not render the space unusable. When combined with the larger setback required of the southerly adjacent apartment complex due to the same Southern Star easement being half located on that parcel, staff believes that a majority of possible issues are sufficiently mitigated to fit the spirit and intent of the Land Development Code. The granting of this variance would allow for the owner to use the green space afforded by the setbacks in a manner that is consistent with the intent of the Code, while also affording the space and protection necessary for the safety and welfare of the City's wastewater pipe for the neighboring properties.

**Conclusions:**

Staff's analysis of this variance application finds the request meets all five conditions set forth in Section 20-1309(g)(1) of the Land Development Code that the Board must find existing to grant a variance.

**Recommendation:**

Staff recommends approval of the rear yard building setback variances based upon the findings in the staff report concluding that the request does meet the five conditions outlined in Section 20-1309(g)(1).



City of Lawrence  
Douglas County  
PLANNING & DEVELOPMENT SERVICES

Lawrence Douglas County  
Metropolitan Planning Office  
6 East 6<sup>th</sup> Street, P.O. Box 708, Lawrence, KS 66044  
(785) 832-3150 Fax (785) 832-3160  
<http://www.lawrenceks.org/pds/>

**APPLICATION FOR  
VARIANCE FROM UNNECESSARY HARDSHIP**

**RECEIVED**

JUN -2 2017

City County Planning Office  
Lawrence, Kansas

**OWNER INFORMATION**

Name(s) Allison Wilson  
Contact \_\_\_\_\_  
Address 4821 W 26th Street  
City Lawrence State KS ZIP 66047  
Phone (\_\_\_\_) \_\_\_\_\_ Fax (\_\_\_\_) \_\_\_\_\_  
E-mail AMWILSON22@GMAIL.COM Mobile/Pager (513) 721-1300

**APPLICANT/AGENT INFORMATION**

Contact \_\_\_\_\_  
Company \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ ZIP \_\_\_\_\_  
Phone (\_\_\_\_) \_\_\_\_\_ Fax (\_\_\_\_) \_\_\_\_\_  
E-mail \_\_\_\_\_ Mobile/Pager (\_\_\_\_) \_\_\_\_\_  
Pre-Application Meeting Date \_\_\_\_\_ Planner \_\_\_\_\_

**PROPERTY INFORMATION**

Present Zoning District RS7 Present Land Use residential  
Proposed Land Use same  
Legal Description (may be attached) \_\_\_\_\_  
Address of Property 4821 W. 26th St Lawrence, KS 66047  
Total Site Area 7440 #  
Number and Description of Existing Improvements or Structures \_\_\_\_\_

B-17-00290



City of Lawrence  
Douglas County  
PLANNING & DEVELOPMENT SERVICES

**Lawrence Douglas County  
Metropolitan Planning Office**  
6 East 6<sup>th</sup> Street, P.O. Box 708, Lawrence, KS 66044  
(785) 832-3150 Fax (785) 832-3160  
<http://www.lawrenceks.org/pds/>

**Description of variance requested:**

Please See Attached



### UNNECESSARY HARDSHIP CRITERIA

The Board of Zoning Appeals may approve a zoning variance if it finds that all of the following criteria have been met. The Development Code places the burden on the applicant to show that an application complies with such criteria. Please respond to each criterion to the best of your knowledge. (Attach additional sheets if needed.)

1. That the variance request arises from such conditions which are unique to the property in question and not ordinarily found in the same zoning or district and are not created by action(s) of the property owner or applicant:

Please See Attached

2. That granting the variance would not adversely affect the rights of adjacent property owners or residents:

Please See Attached





- 3. That strict application of the provisions of this chapter for which the variance is requested would constitute unnecessary hardship upon the property owner represented in the application:**

Please See Attached

- 4. That the variance desired would not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare:**

Please See Attached



City of Lawrence  
Douglas County  
PLANNING & DEVELOPMENT SERVICES

**Lawrence Douglas County  
Metropolitan Planning Office**  
6 East 6<sup>th</sup> Street, P.O. Box 708, Lawrence, KS 66044  
(785) 832-3150 Fax (785) 832-3160  
<http://www.lawrenceks.org/pds/>

**5. That granting the variance desired would not be opposed to the general spirit and intent of the Development Code:**

Please See Attached

**SIGNATURE**

I/We, the undersigned am/are the **(owner(s))**, **(duly authorized agent)**, **(Circle One)** of the aforementioned property. By execution of my/our signature, I/we do hereby officially apply for variances as indicated above.

Signature(s): [Signature] Date 6/2/17

\_\_\_\_\_  
Date \_\_\_\_\_

\_\_\_\_\_  
Date \_\_\_\_\_

**STAFF USE ONLY**

Application No. \_\_\_\_\_

Date Received 2 June 17

BZA Date July 2017

Fee \$ \_\_\_\_\_

Date Fee Paid \_\_\_\_\_



### PROPERTY OWNERSHIP LIST CERTIFICATION

As required by Article 13, Section 20-1301(q) of the Development Code, the applicant is responsible for providing certified Ownership information (including names and mailing addresses) of all real property owners within a defined radius from the subject property. The Planning Department is required by the Development Code to use the submitted Ownership list to mail notice of the public hearing to surrounding property owners regarding this Application.

#### Ownership Information

The applicant is responsible for providing certified Ownership information. Current Ownership information shall be obtained from the Douglas County Clerk. Ownership information will be considered current if it is **no more than 30 days old** at the time an application is submitted to the Planning Department.

#### Radius of Notification

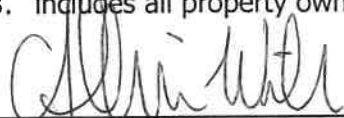
The Ownership list shall include the record Owner of the subject property and all Owners of property located within 400 feet of the subject property. If the subject property is adjacent to the City limits the area of notification shall be extended to at least 1,000 feet into the unincorporated area.

A map of the "Radius of Notification" can be obtained **at the Applicant's request** at the Planning Office. The map indicates ownership of each property and can be used to check the accuracy and completeness of the Ownership List. The map will be supplied **at the Applicant's expense**. **Allow 10 business days** to receive the map.

### THE FOLLOWING IS TO BE COMPLETED AND SUBMITTED BY THE APPLICANT.

I certify that I have read and understood the above information and that the submitted Ownership list:

1. was a) obtained from and b) certified by the Douglas County Clerk,
2. is current (**no more than 30 days old**), and
3. includes all property owners within the required notification radius of the subject property.

  
\_\_\_\_\_  
Signature

6/2/17  
Date

Allison Wilson  
Printed Name

- Attachment for variance application for 4821 W. 26th Street, Lawrence, KS, 66047

## **Description of variance requested**

Because of a couple of utility easements that occupy nearly all of our backyard, we are requesting this variance to install a 12-foot x 24-foot, above-ground pool at 4821 W. 26th Street. We have discussed this situation with a number of utility company representatives and a couple of people who work for the city and are requesting an adjustment of the building setbacks from 30 feet to 10 feet.

The proposed swimming pool will encroach into the 30-foot rear yard setback by 18 feet.

**1. That the variance request arises from such conditions which are unique to the property in question and not ordinarily found in the same zoning or district and are not created by action(s) of the property owner or applicant.**

Because of a 33-foot easement with Southern Star Central Gas Pipeline, Inc., and a 17-foot sewer easement in the backyard, we are severely limited in what we can and cannot build. We have reached an encroachment agreement with Southern Star and had conversations with all other utilities both about the ability to move forward with our plans and the risk involved. Because the land development code does not allow for accessory structures in the front setback and, per our conversation with the city, we agree to put the pool wall at least 20 feet from the back of the house and no closer than 5 feet to the rear property line so as not to have to reapply for a variance if a field adjustment is necessary. Our intent is to install the pool so that it is not directly on top of any existing underground utilities, i.e. Westar and Wow!

**2. That granting the variance would not adversely affect the rights of adjacent property owners or residents:**

Because of the Southern Star Central Gas Pipeline, Inc., easement and the presence of Aberdeen Apartments directly behind our property to the south, there is a great deal of distance between our yard and the closest structure. In addition, because the depth of the pool (54 inches) ensures that the height of the pool wall will be below the height of the privacy fence surrounding our property, the adjustment of the variance and addition of the pool may not even be noticed by other residents in our neighborhood. Therefore we feel the variance requested will not adversely affect the rights of the adjacent property owners or residents.

**3. That strict application of the provisions of this chapter for which the variance is requested would constitute unnecessary hardship upon the property owner represented in the application:**

The owners are trying to enhance the livability of their residence. The layout and style of this development is very repetitive and 'cookie cutter.' And we are, in a sense, trying to personalize the home. Given that the rear yard is handcuffed by easements and the building setbacks, strict adherence to the code makes changes of any kind difficult.

**4. That the variance desired would not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare:**

We feel the variance requested will not adversely affect any of the above due to the fact that any and all aspects pertaining to the proposed pool will be limited to our property only.

**5. That granting the variance desired would not be opposed to the general spirit and intent of the Development Code.**

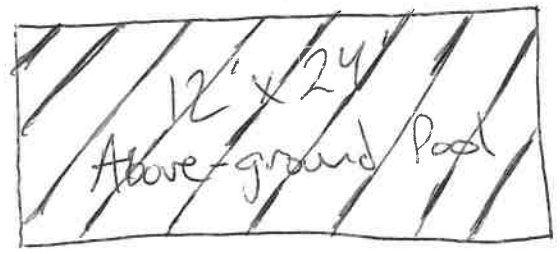
The general spirit and intent of the Development Code is to provide order, safety, convenience and promote public health, well-being and prosperity. We feel the variance requested will enhance the property

aesthetically and functionally.

\* NOT TO SCALE

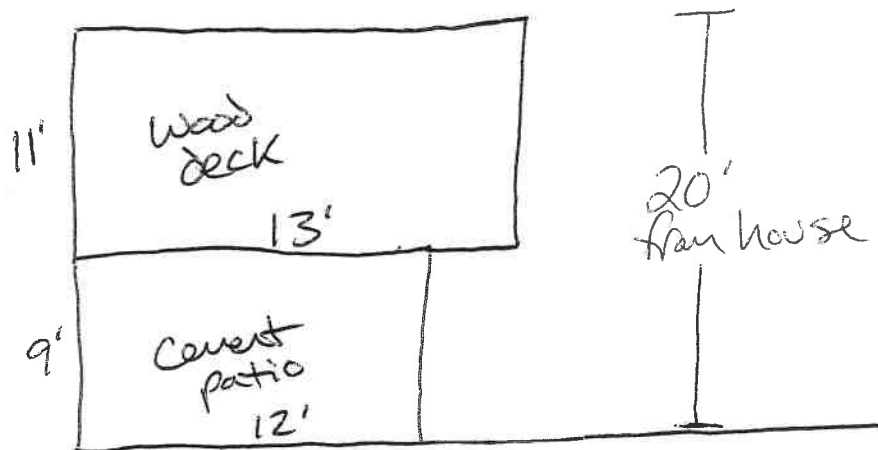
12' to property line

6' to property line



Ward!

WESTAR



RESIDENCE 4821 W. 26<sup>TH</sup> ST. (New York)

RECEIVED

JUN - 9 2017

City County Planning Office  
Lawrence, Kansas



Southern Star Central Gas Pipeline, Inc.  
8195 Cole Parkway  
Shawnee, KS 66227  
270-852-5127

Tract-12400  
Line-ES

June 5, 2017

Allison Wilson  
4821 W 26<sup>th</sup> St  
Lawrence, KS 66049

Re: Encroachment of temporary above-ground pool in Southern Star Easement

Location: W/2 of the NE/4 of Section 9, Township 13S, Range 19E

Dear Landowner:

Southern Star Central Gas Pipeline, Inc. ("Southern Star") formerly known as Williams Natural Gas Company, Northwest Central Pipeline Corporation and Cities Service Gas Company owns and operates a 6,000 mile interstate natural gas pipeline system, in the states of Wyoming, Colorado, Texas, Oklahoma, Kansas, Nebraska and Missouri. Southern Star owns, operates and maintains a (16") diameter natural gas pipeline that traverses your property in Douglas County, KS. The pipeline is contained within 66 foot wide easement on the property list above. Southern Star has been contacted by Allison Wilson concerning installation of a above-ground pool on a portion of the pipeline ROW.

Whereas, Allison Wilson (property owner) proposes to install a temporary pool across Line ES. In order to protect the pipeline from external loads the property owner agrees to install the above-ground pool off the pipeline according to the specifications as shown in exhibit "A" attached to this document.

In the event Southern Star or its contractors needs to remove the pool during the exercise of Southern Star's easement rights, all such damages to the said above-ground pool and fence shall be the sole responsibility of the property owner, except the negligence or willful misconduct of Southern Star, its employees, agents or contractors or their failure for any reason to use generally accepted industry practices conducted in good faith with reasonable care and due diligence.

All work on Southern Star's easement shall be performed in a workmanlike manner and in compliance with all applicable government and industry standards and codes.

Please acknowledge receipt and acceptance of the terms and conditions specified in this letter agreement by having the property owner sign this Letter of Agreement below and returning a copy to Southern Star. Until this Letter of Agreement has been fully executed, construction activities on Southern Star's easement is prohibited.

Sincerely,

Southern Star Central Gas Pipeline, Inc.

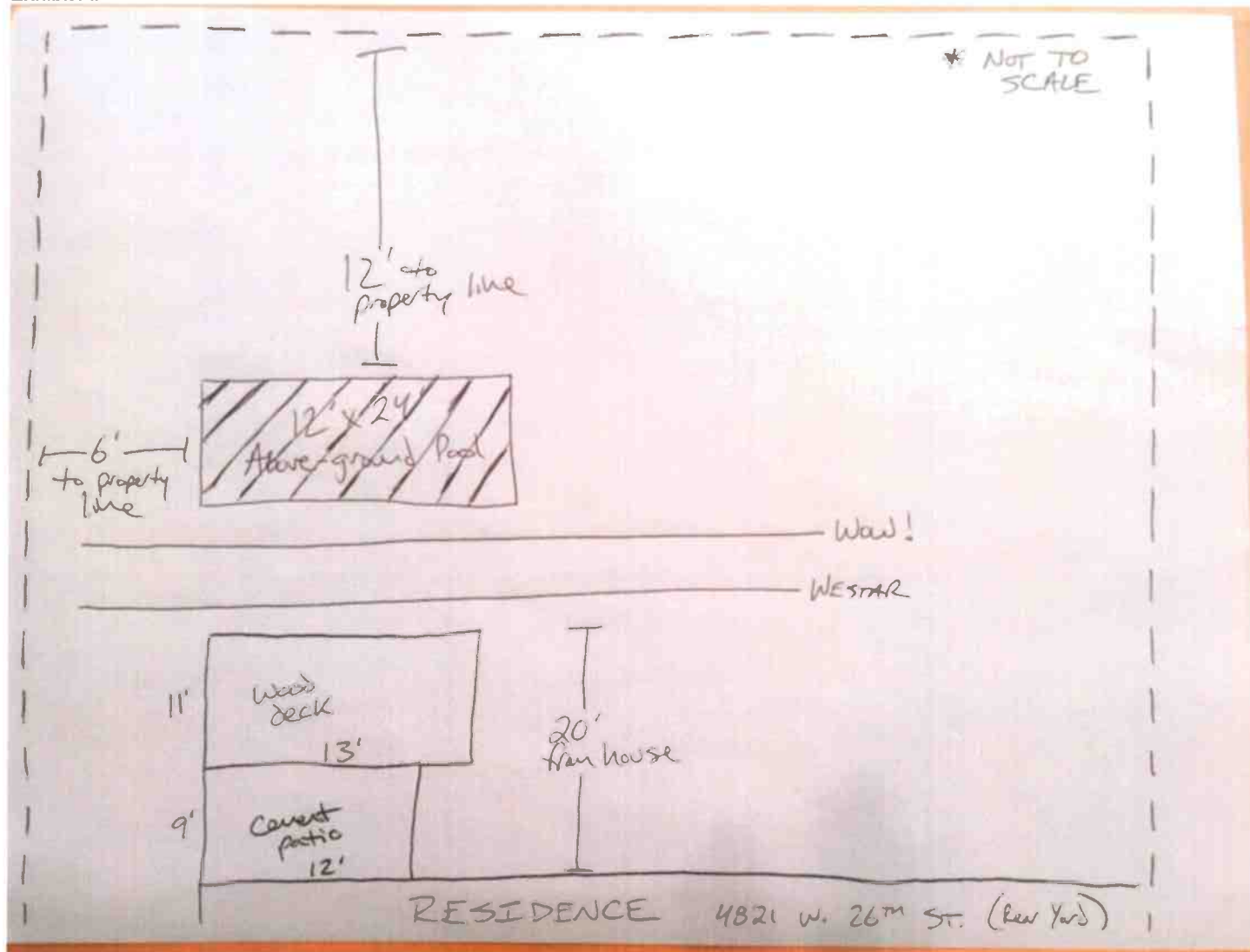
Landowner:

By:   
Allison Wilson

Date: 6/9/17



Exhibit A:



**ITEM NO. 4**      **VARIANCE FROM THE REAR BUILDING SETBACK FOR A RESIDENTIAL DWELLING; 5120 CODY COURT [JSC]**

**B-17-00275:** A request for a variance as provided in Section 20-1309 of the Land Development Code of the City of Lawrence, Kansas, 2015 edition. The request is for a variance from the 30 foot rear setback standard required by Section 20-601(a) of the City Code for the RS7 (Single-Dwelling Residential) District. The applicant is seeking a variance from this code standard reducing the rear setback to a minimum of 12.5 feet to allow for the construction of a covered attached deck. The property is located at 5120 Cody Court. Submitted by Jim and Allison Nye, property owners of record.

**B. REASON FOR REQUEST**

Applicant's Request – *“Property has an existing deck on the back of the house that was built in the rear setback of lot. Due to the recent loss of a large shade tree over said deck, homeowner is requesting approval to...*

1. Re-construct deck in same location/size to address decay.
2. Construct a roof over deck to replace the lost shade tree.
3. Screen in deck for insect barrier.

**C. ZONING AND LAND USE**

Current Zoning & Land Use:                      RS7 (Single-Dwelling Residential) District; residential dwelling

Surrounding Zoning and Land Use:              RS7 (Single-Dwelling Residential) District; residential dwellings.

**D. ZONING ORDINANCE REQUIREMENTS**

Section 20-601(a), “Density and Dimensional Standards; Occupancy Limits – Residential Districts,” has standards defining the minimum building setbacks for residential dwellings based upon each residential zoning district. In the RS7 District, the minimum rear building setback is listed to be 30 feet.

**E. SPECIFIC ANALYSIS**

Section 20-1309(g)(1) in the Development Code lists the five requisite conditions that have to be met for a variance to be approved.

**1. The variance request arises from such conditions which are unique to the property in question and not ordinarily found in the same zone or district; and are not created by an action or actions of the property owner or applicant.**

Applicant response: *"Deck has been properly maintained but rot/decay needs to be addressed. Tree over deck had become too large causing liability and needed to be removed."*

This request does not result from a unique condition that originates from the [Land Development Code](#). The property was platted in 2002 as Lot 22 in Westwood Hills, 3<sup>rd</sup> Plat. When the property was constructed in 2003, the [1966 Zoning Code](#) was in effect. The setbacks applicable then are identical to the existing RS7 setbacks that are in effect today: Front Setback minimum of 25 feet, interior side setback of 5 feet from each side line, and a rear setback of 30 feet. Staff believes the allowance of the existing deck would have been permitted under [Section 20-1504\(c\)](#) of the 1966 Zoning Code, which stated, "In the RS-1, RS-2 and RM-D districts, a principal building may be located no closer than 20 feet to the nearest property line opposite the front lot line; provided the rear yard area is no less than 30 percent of the total lot area. (Code 1979, 20-1204; [Ord. 5792](#))" As platted, this lot currently contains 9,397 square feet. Based on estimated GIS calculation, staff believes the rear yard contains 30% of the total lot area (2,797 square feet), which would permit the construction of the deck as presently located. At the time of construction, the deck would have complied with the reduced rear setback as permitted under this superseded code section. The current Land Development Code does not contain a similar provision for this rear yard reduction.

While the loss of a large tree is a difficulty, it is not a hardship that is directly related to the Land Development Code's Density and Dimensional Standards requirements. This condition for the variance consideration is not related to a unique condition pertaining to the property. It is also not a hardship that originates from the application of the RS7 zoning district to this particular lot.

The original building permit approving the construction of the residence did show the placement of a deck that was consistent with the setbacks as permitted in the Section 20-1504(c) exception. Staff could not locate a permit showing approvals for the deck as currently constructed. Staff inquired with Development Services to see if a permit was issued for the deck as presently constructed, but Development Services does not have record of that construction being approved. The removal of the existing deck and the construction of a replacement would require new construction to comply with the Land Development Code.

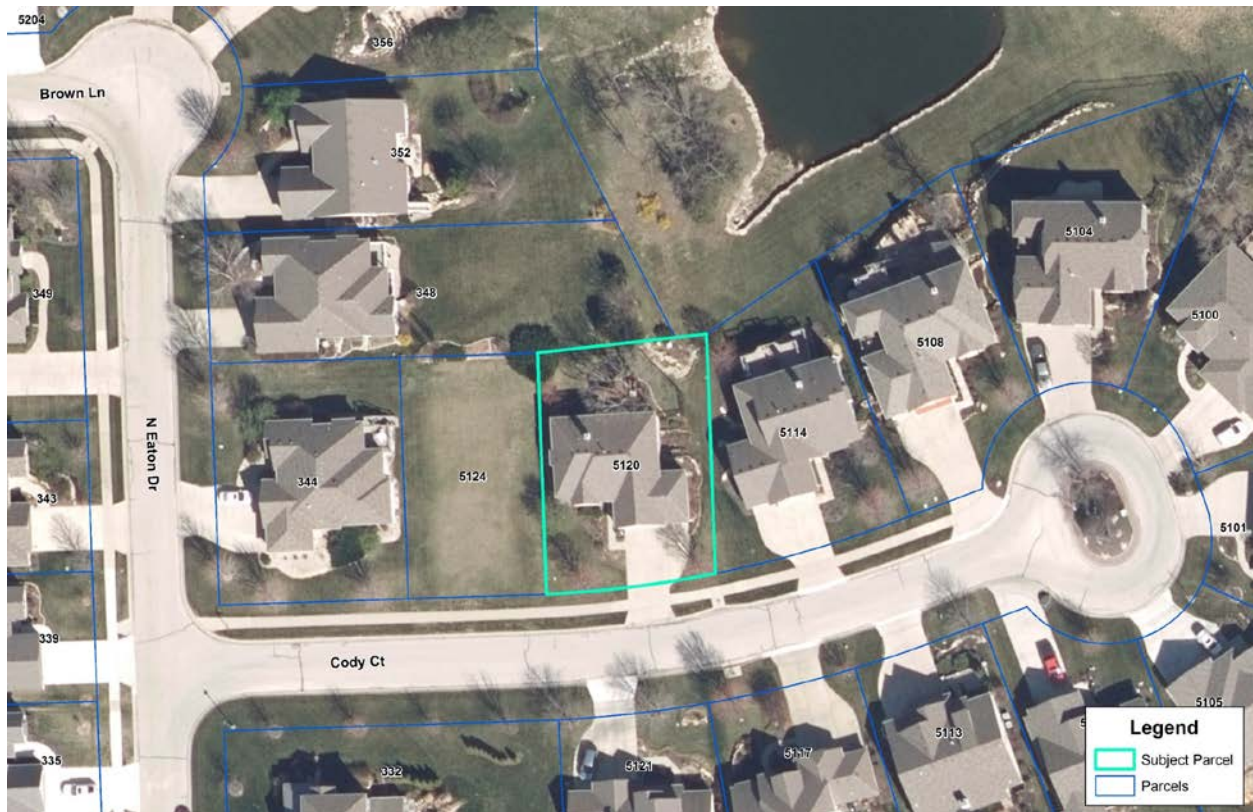


Figure 1: Subject Property

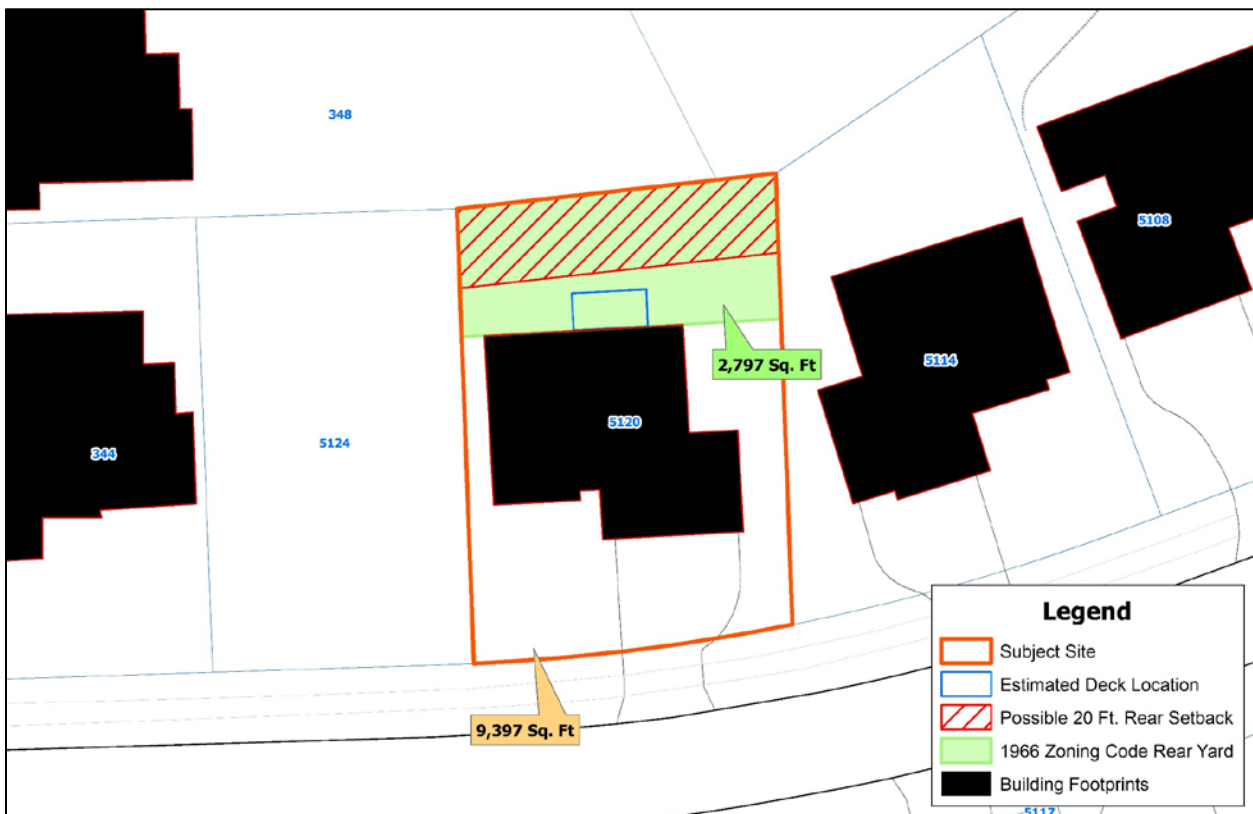


Figure 2: Possible Setbacks and Land Ratio Under 1966 Zoning Code §20-1504(c) Exception

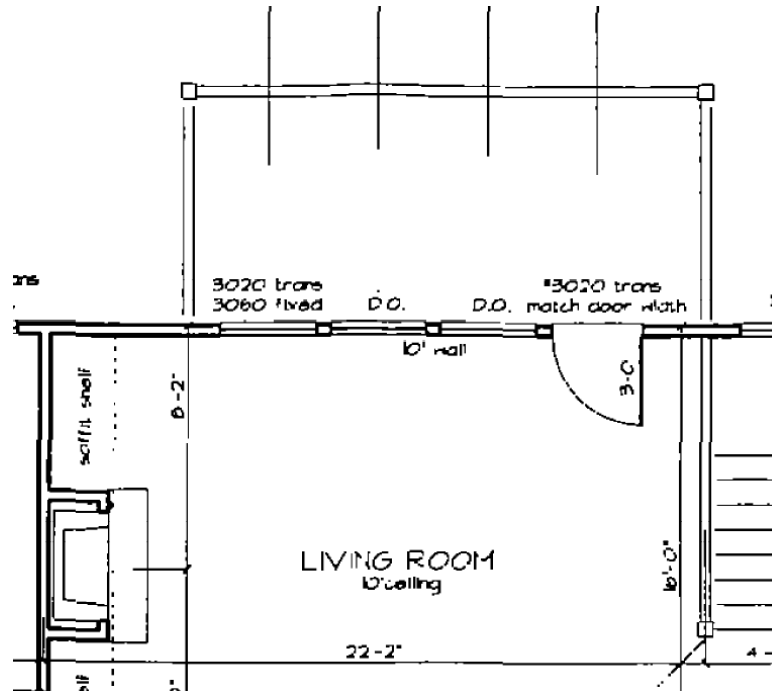


Figure 3: Original Deck as Approved with Building Permit (2003)



Figure 4: Aerial Image of Subject Property (2016)

**2. That the granting of the variance will not adversely affect the rights of adjacent property owners or residents.**

*Applicant response: "With no residents directly behind property, roof structure would not adversely affect any neighboring properties."*

In staff's opinion, the requested variance would not adversely affect the rights of adjacent property owners or residents. Notice was provided to property owners within 400 foot of the subject property informing them of the application filed by the property owner. As of the time this report was written, staff has not been contacted by any property owner expressing concerns or objections to the applicant's request.

**3. That the strict application of the provisions of this chapter for which variance is requested will constitute unnecessary hardship upon the property owner represented in the application.**

*Applicant response: "Unnecessary hardship would be due to lack of shade that was formerly provided by tree since home was purchased."*

Given the details of the residence and lot, the hardship does not constitute an unnecessary hardship upon the owners. While the application of the Land Development Code may be a hardship, it is not one that is created by a condition due to the application of the code. While a the deck as proposed may not be consistent with the Land Development Code, the code does allow for decks into the required setback that do not extend more than 2.5 feet above the ground (Section 20-602(e)(6)(vii)).

**4. That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare.**

*Applicant response: "Said deck & roof structure would be less visually invasive than previous state with large tree."*

In staff's opinion, granting the requested variance will not create an adverse effect upon the public health, safety, morals, order, convenience, prosperity or general welfare. The request in question is contained within the parcel owned by the applicant. This structure would not create any spill-over noxious effects to the surrounding area.

**5. That granting the variance desired will not be opposed to the general spirit and intent of this chapter.**

*Applicant response: "Granting of variance would have an overwhelming positive impact on the current homeowners and no negative impact on the surrounding environment."*

In staff's opinion, granting the setback variance would be inconsistent to the general spirit and intent of the Land Development Code. Strict adherence to the code requiring the 30 foot rear building setback is not an unnecessary hardship in this instance as defined within the purview of the Board. The conditions surrounding this requested hardship variance do not originate from a condition that is unique to the



property in question, and/or not ordinarily found in the same zone or district. Other options are available to create outdoor entertainment space that is code compliant within the bounds of this property.

**Conclusions:**

Staff's analysis of this variance application finds the request does not meet all five conditions set forth in Section 20-1309(g)(1) of the Land Development Code that the Board must find existing to grant a variance.

**Recommendation:**

Staff cannot recommend approval of the rear yard building setback variances based upon the findings in the staff report concluding that the request does not meet the five conditions outlined in Section 20-1309(g)(1).



6 East 6<sup>th</sup> Street, P.O. Box 708, Lawrence, KS 66044  
(785) 832-3150 Fax (785) 832-3160  
<http://www.lawrenceks.org/pds/>

## RECEIVED

MAY 26 2017

City County Planning Office  
Lawrence, Kansas

City County Planning  
Lawrence, Kansas

Name(s) Jim + Allison Nye

Contact Jim: 760-2181

Address 5120 Cody Ct.

City Lawrence State KS ZIP 66049

Phone (785) 760-2181 Fax ( ) \_\_\_\_\_

E-mail \_\_\_\_\_ Mobile/Pager ( ) \_\_\_\_\_

Contact Mike Wedman  
Company Mike Wedman Homes  
Address PO Box 1812  
City Lawrence KS State KS ZIP 66044  
Phone (785) 331-9549 Fax ( ) \_\_\_\_\_  
E-mail miked@mikewedmanhomes.com Mobile/Pager ( ) \_\_\_\_\_  
Pre-Application Meeting Date N/A per Katherine S. Planner \_\_\_\_\_

Present Zoning District Residential Present Land Use \_\_\_\_\_  
Proposed Land Use " \_\_\_\_\_  
Legal Description (*may be attached*) Westwood Hills 3<sup>rd</sup> Plat Blk 1, Lot 22  
Address of Property 5120 Cody Ct. \_\_\_\_\_  
Total Site Area Approximately 9,200 sq. ft. \_\_\_\_\_  
Number and Description of Existing Improvements or Structures 1 - Roof over existing deck





**Description of variance requested:**

Property has an existing deck on back of house that was built in the rear set-back of lot.

Due to the recent loss of a large shade tree over said deck, homeowner is requesting approval to...

- ① Re-construct deck in same location/size to address decay.
- ② Construct a roof over deck to replace the lost shade tree.
- ③ Screen in deck for insect barrier.

(Architctural drawings would be submitted with permit application. To save cost no formal drawings have been generated at this time.)

However...

See attached docs for site references/dimensions.



### UNNECESSARY HARDSHIP CRITERIA

The Board of Zoning Appeals may approve a zoning variance if it finds that all of the following criteria have been met. The Development Code places the burden on the applicant to show that an application complies with such criteria. Please respond to each criterion to the best of your knowledge. (Attach additional sheets if needed.)

**1. That the variance request arises from such conditions which are unique to the property in question and not ordinarily found in the same zoning or district and are not created by action(s) of the property owner or applicant:**

• Deck has been properly maintained but rot/decay needs to be addressed.

• Tree over deck had become too large causing liability and needed to be removed.

**2. That granting the variance would not adversely affect the rights of adjacent property owners or residents:**

• With no residents directly behind property, roof structure would not adversely affect any neighboring properties.



**3. That strict application of the provisions of this chapter for which the variance is requested would constitute unnecessary hardship upon the property owner represented in the application:**

- Unnecessary hardship would be due to lack of shade that was formerly provided by tree since home was purchased.

**4. That the variance desired would not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare:**

- Said deck + roof structure would be less visually invasive than ~~the~~ previous state with large tree.



**5. That granting the variance desired would not be opposed to the general spirit and intent of the Development Code:**

Granting of variance would have an overwhelming positive impact on the current homeowners and no negative impact on the surrounding environment.

**SIGNATURE**

I/We, the undersigned am/are the **(owner(s))**, **(duly authorized agent)**, **(Circle One)** of the aforementioned property. By execution of my/our signature, I/we do hereby officially apply for variances as indicated above.

Signature(s): James L Gage Date 5/25/17

Alison L Gage Date 5/25/17

[Signature] Date 5/25/17

**STAFF USE ONLY**

Application No. \_\_\_\_\_

Date Received \_\_\_\_\_

BZA Date \_\_\_\_\_

Fee \$ \_\_\_\_\_

Date Fee Paid \_\_\_\_\_



**OWNER AUTHORIZATION**

I/WE James and Alison Nye, hereby referred to as the "Undersigned", being of lawful age, do hereby on this 25<sup>th</sup> day of May, 20 17, make the following statements to wit:

1. I/We the Undersigned, on the date first above written, am/are the lawful owner(s) in fee simple absolute of the following described real property:

See "Exhibit A, Legal Description" attached hereto and incorporated herein by reference.

2. I/We the undersigned, have previously authorized and hereby authorize Michael Wedman (Herein referred to as "Applicant"), to act on my/our behalf for the purpose of making application with the Planning Office of Lawrence/Douglas County, Kansas, regarding 5120 Cody Ct. (common address), the subject property, or portion thereof. Such authorization includes, but is not limited to, all acts or things whatsoever necessarily required of Applicant in the application process.

3. It is understood that in the event the Undersigned is a corporation or partnership then the individual whose signature appears below for and on behalf of the corporation or partnership has in fact the authority to so bind the corporation or partnership to the terms and statements contained within this instrument.

IN WITNESS THEREOF, I, the Undersigned, have set my hand and seal below.

James L. Nye  
Owner

Alison L. Nye  
Owner

STATE OF KANSAS  
COUNTY OF DOUGLAS

The foregoing instrument was acknowledged before me on this 25<sup>th</sup> day of May, 20 17, by James L. Nye & Alison L. Nye

My Commission Expires:

6/21/2019

Gayle Venturella  
Notary Public







### PROPERTY OWNERSHIP LIST CERTIFICATION

As required by Article 13, Section 20-1301(q) of the Development Code, the applicant is responsible for providing certified Ownership information (including names and mailing addresses) of all real property owners within a defined radius from the subject property. The Planning Department is required by the Development Code to use the submitted Ownership list to mail notice of the public hearing to surrounding property owners regarding this Application.

#### Ownership Information

The applicant is responsible for providing certified Ownership information. Current Ownership information shall be obtained from the Douglas County Clerk. Ownership information will be considered current if it is **no more than 30 days old** at the time an application is submitted to the Planning Department.

#### Radius of Notification

The Ownership list shall include the record Owner of the subject property and all Owners of property located within 400 feet of the subject property. If the subject property is adjacent to the City limits the area of notification shall be extended to at least 1,000 feet into the unincorporated area.

A map of the "Radius of Notification" can be obtained **at the Applicant's request** at the Planning Office. The map indicates ownership of each property and can be used to check the accuracy and completeness of the Ownership List. The map will be supplied **at the Applicant's expense. Allow 10 business days** to receive the map.

#### THE FOLLOWING IS TO BE COMPLETED AND SUBMITTED BY THE APPLICANT.

I certify that I have read and understood the above information and that the submitted Ownership list:

1. was a) obtained from and b) certified by the Douglas County Clerk,
2. is current (**no more than 30 days old**), and
3. includes all property owners within the required notification radius of the subject property.

Alison J. Nye  
Signature

5-25-14  
Date

Alison J. Nye  
Printed Name



**JAMIE SHEW**  
**DOUGLAS COUNTY CLERK**  
1100 Massachusetts  
Lawrence, KS 66044

**Marni Penrod**-Chief Deputy Clerk  
**Heather Dill**-Deputy Clerk Elections

May 25, 2017

A CERTIFIED PROPERTY OWNERSHIP LIST WITHIN 400 FT OF 5120 CODY CT  
(U13959-106). 05/25/2017. REQUESTED BY ALISON NYE.

JOHN R. NICHOLS  
DOUGLAS COUNTY CLERK'S OFFICE  
1100 MASSACHUSETTS ST  
LAWRENCE, KS 66044

785-832-5147

[jnichols@douglas-county.com](mailto:jnichols@douglas-county.com)

Douglas County Real Estate Division  
County Clerk's Office. I do hereby certify  
the Property Ownership listed hereto, to be  
true and accurate.







POL WITHIN 400 FT OF 5120 CODY CT  
(U13959-106)



5120 Coody Ct.

Not to scale:

Rear property line

12' 6"

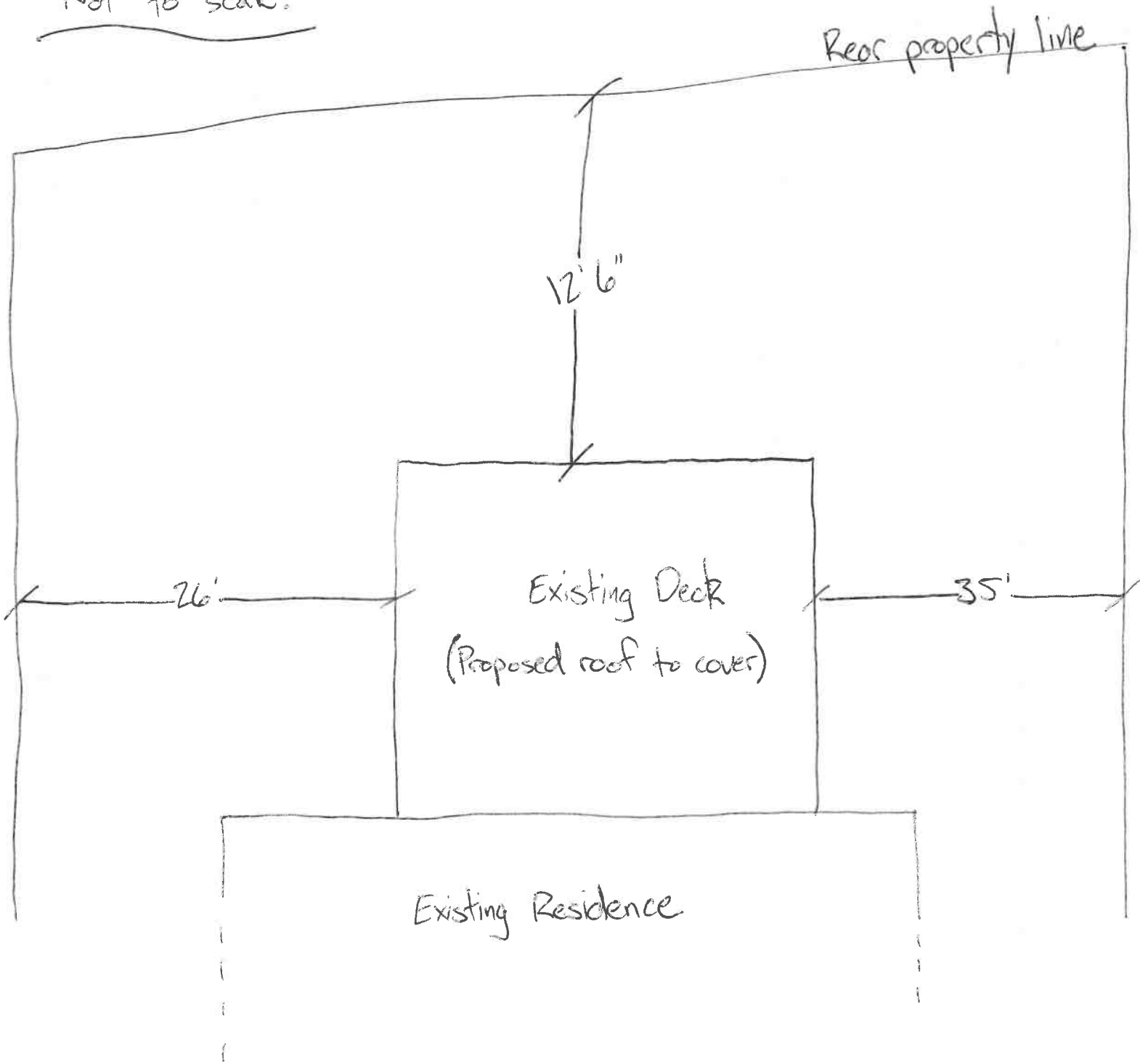
26'

Existing Deck

(Proposed roof to cover)

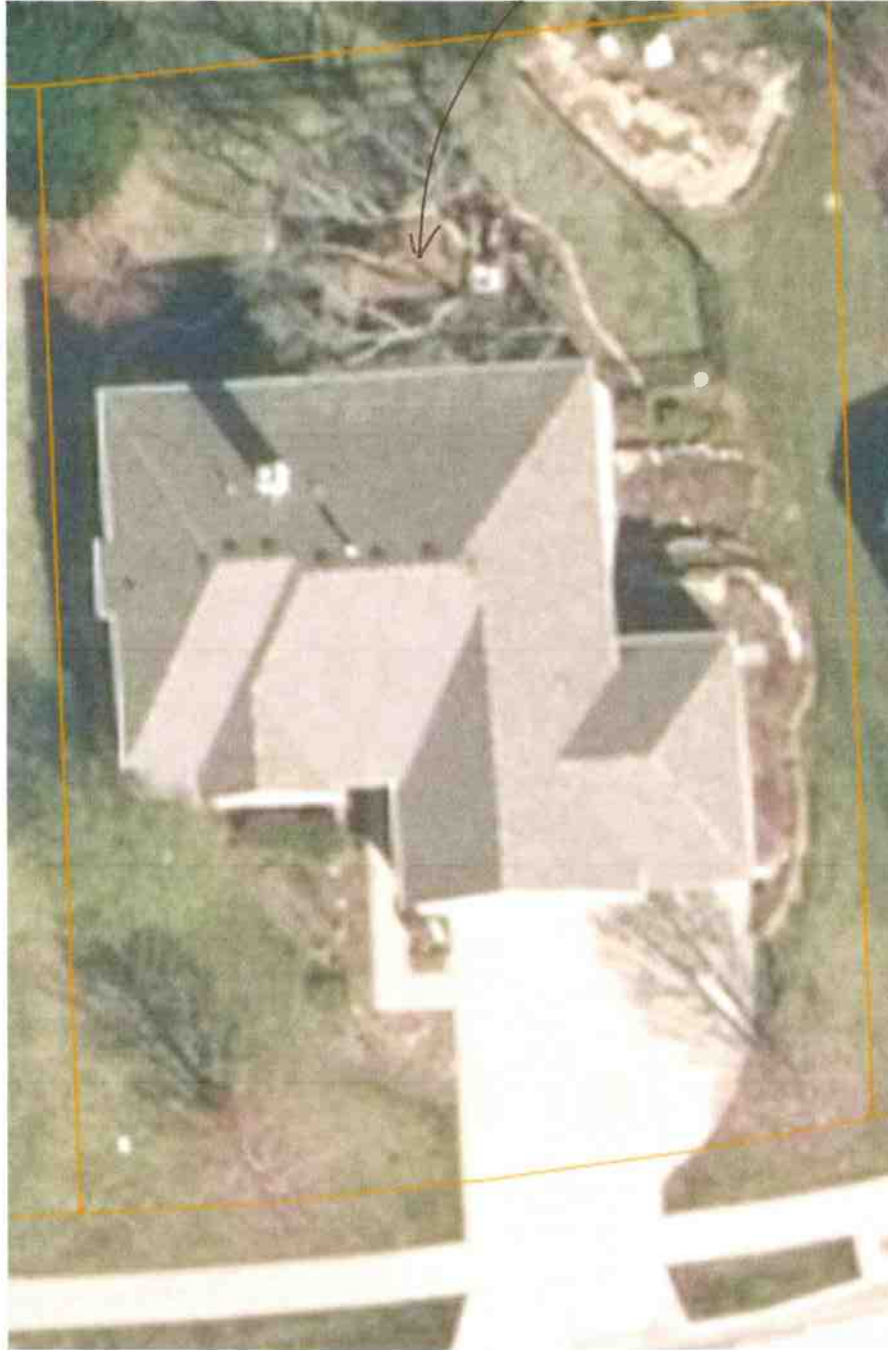
35'

Existing Residence

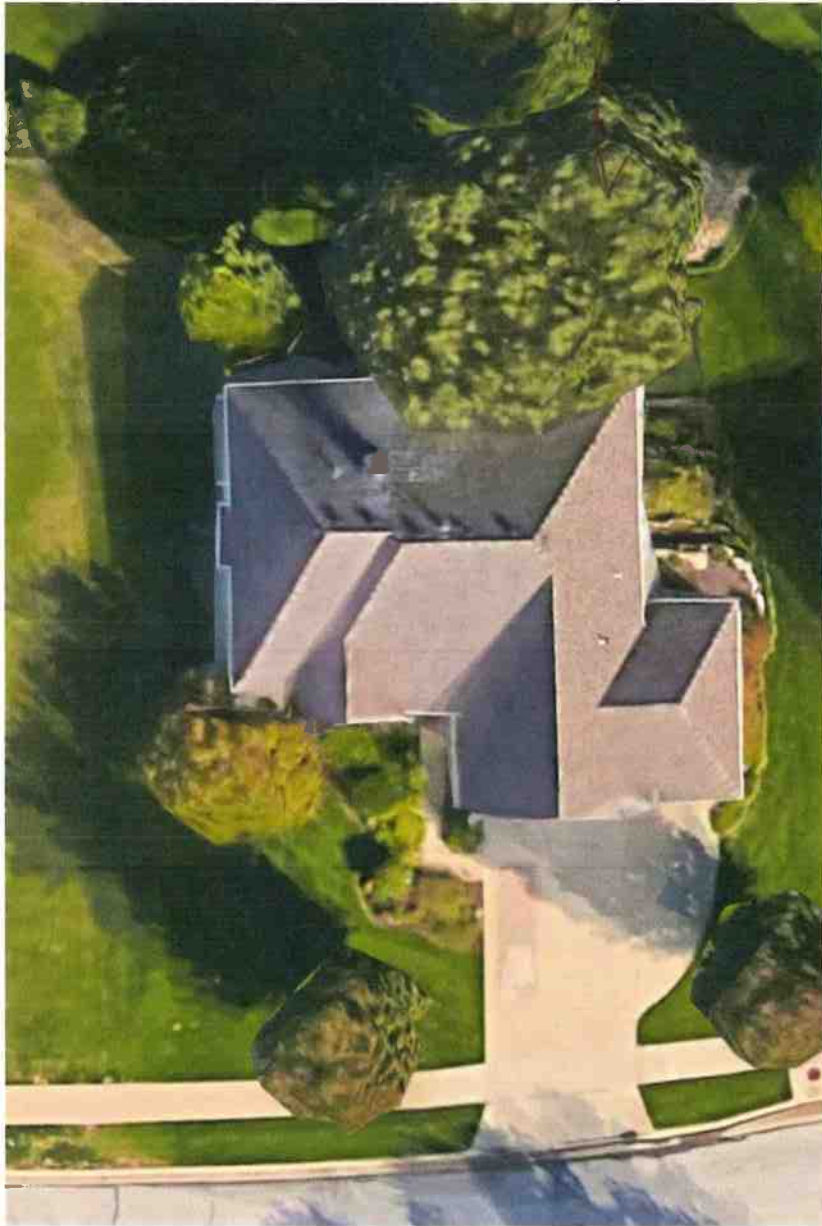




Existing deck location



Former shade tree  
covering deck.  
(Removed)



**ITEM NO. 5      FRONT, SIDE, AND REAR SETBACK VARIANCES; 745 VERMONT ST. [JMB]**

**B-17-00285:** A request for variances as provided in Section 20-1309 of the Land Development Code of the City of Lawrence, Kansas, 2015 edition. The first request is for a variance to reduce the 40 foot minimum front setback requirement listed in Section 20-601(b) of the City Code to a minimum of 9 foot, 6 inches. The second request is for a variance to reduce the 40 foot minimum exterior side setbacks requirement listed in Section 20-601(b) of the City Code to a minimum of 16 feet from the west property line, and 37 feet from the eastern property line. The third request is for a variance to reduce the 15 foot minimum rear setback requirement listed in Section 20-601(b) of the City Code to a minimum of 9 feet, 5 inches. The property is located at 745 Vermont Street. Submitted by Jay Zimmerschied, Zimmerschied Architecture, for the City of Lawrence, Kansas, property owner of record.

**B.      REASON FOR REQUEST**

Applicant's Request – *"1. Reduce the 40 foot minimum front setback requirement listed in Section 20-601(b) of the City Code to a minimum 9 feet 6 inches.*

*2. Reduce the 40 foot minimum exterior side setback requirements listed in Section 20-601(b) of the City Code to a minimum 16 feet from the west property line, and 37 feet from the east property line.*

*3. Reduce the 15 foot minimum rear setback requirement listed in Section 20-601(b) of the City Code to a minimum of 9 feet 5 inches.*

**C.      ZONING AND LAND USE**

Current Zoning & Land Use:                      GPI/GPI-UC (General Public & Institutional Use & Lawrence's Downtown Urban Conservation Overlay) District; Fire Station No. 1 & Douglas County Senior Resource Center

Surrounding Zoning and Land Use:              CD-UC (Downtown Commercial & Lawrence's Downtown Urban Conservation Overlay) District to the east and south; City of Lawrence public parking, and The Eldridge Hotel Extended

RMO (Multi-Dwelling Residential Office) District to the south; Private Residence and J. Stephen Lane Architects Office

OS (Open Space) District to the west; Lawrence Aquatic Center

GPI/GPI-UC (General Public & Institutional Use & Lawrence's Downtown Urban Conservation Overlay) District to the north; City of Lawrence Public Library and public parking garage

## D. ZONING ORDINANCE REQUIREMENTS

Section 20-601(b), "Density and Dimensional Standards; Occupancy Limits – Nonresidential Districts," has standards defining the minimum building setbacks for structures based upon each zoning district. In the GPI District, the minimum front and exterior side building setbacks abutting street right-of-way are listed to be 40 feet, and the minimum rear setback abutting a Non-R District is listed to be 15 feet.



Figure 1: Existing Site Image from 2016.

## E. SPECIFIC ANALYSIS

Section 20-1309(g)(1) in the Development Code lists the five requisite conditions that have to be met for a variance to be approved.

1. The variance request arises from such conditions which are unique to the property in question and not ordinarily found in the same zone or district; and are not created by an action or actions of the property owner or applicant.

Applicant response: *"This variance request is required as a result of modern planning and zoning being applied to a structure built nearly 70 years ago when no such planning guidelines were in place. The*



*original building was built in 1950 and continues to serve the City of Lawrence and Douglas County for fire and medical service as well as its senior population. The co-location of these two entities within one aging structure has led to an operational need to separate the interior building making additional vertical circulation a requirement in order to meet adopted building code.*

*Further, the building is on the Kansas State Historical Register so significant remodel of interior character defining features would suggest that new vertical circulation components would best be added to the existing structure in lieu of cutting through it to create the required egress. This involves expanding the existing non-conforming foot print per adopted zoning ordinance."*

Fire Station No. 1 was constructed in 1951, and was initially subject to the 1949 Zoning Code. At that time, the property was zoned District D "Local Business". This zoning was upgraded with the adoption of the 1966 Zoning Ordinance to being split zoned between C-3 "Central Commercial District," and RO-1 "Residence-Office District." This was then corrected with the adoption of the Land Development Code, where this site was changed to GPI "General Public and Institutional Use" District.

The existing site's construction and operation pre-dates the 2006 creation of the GPI District, by the adoption of the current Land Development Code. The use of this property as a public facility has been in continuous operation since the building was constructed in 1951. Previous zoning code editions did not include a zoning designation for municipal, utility, or civic properties and land uses. With the adoption of the Land Development Code in 2006, the code provides the GPI District for such properties.

The proposed rezoning would bring the property's setbacks into conformance with the Land Development Code and recommended base zoning district; however, due to the existing structure's location and existing surroundings, the Density and Dimensional Standards placed on the property for GPI zoning by Section 20-602(b) requires the consideration of the requested variances. Overall, the site and general property boundary has not changed, it has been the adoption of new zoning regulations that is the reason for the variance request. With the adoption and application of the GPI District in 2006, the Land Development Code applies a setback standard that is mainly applicable in greenfield development sites, or in true industrial-type use applications, such as locating a major public utility plant or operations center that may need this large of a setback to mitigate potential nuisances created by their operations.

In this particular instance, the use of the site has not and is not being proposed to change, and the requested variances would memorialize the existing setbacks for the historic structure, while also permitting an addition on the western side to allow for the continued use of the site as a fire station.

2. That the granting of the variance will not adversely affect the rights of adjacent property owners or residents.

Applicant response: *"The granting of this variance would not adversely affect the rights of adjacent property owners as only the west elevation of the existing building would be changed from the existing condition. The west building elevation faces the city owned public pool. The remainder of the building would have no footprint modification so existing conditions would remain unchanged. The acceptance of this variance would allow for improved fire and medical service to the citizens of Lawrence and Douglas County and provide better assistance to its senior population."*

In staff's opinion, the requested variances will not adversely affect the rights of adjacent property owners or residents. Notice was provided to property owners within a 400 foot distance of the subject property



to inform them of the application filed by the property owner. As of the time this report was written, staff has not been contacted by any property owner expressing concerns or objections to the applicant's request.

3. That the strict application of the provisions of this chapter for which variance is requested will constitute unnecessary hardship upon the property owner represented in the application.

*Applicant response: "Should this variance not be accepted, the existing building would remain non-conforming as defined by modern adopted zoning ordinance. This may present insurance issues for the property owner should unforeseen damages occur to portions of the existing structure that encroach on adopted building setbacks.*

*The need to separate the two entities planned for co-location within this building is paramount to their operations and without the ability to expand the building footprint to accommodate modern code exiting requirements, it becomes more challenging to reuse the existing facility for its intended purpose and may require the construction of new facilities.*

*Being that the building is on the Kansas State Register of Historic Places, the need to maintain as much of the historic character of the existing building is critical to insure that available project funding can be realized throughout the use of tax credits."*

In staff's opinion, strict adherence to the Land Development Code would be an unnecessary hardship to this property given the requirements for the site's continued use and operation as a Fire/Medical station and community facility, and given existing built environment around this location. Section 20-602(b), "Density and Dimensional Standards; Occupancy Limit: Nonresidential Districts," prescribes, "Density and Dimensional Standards for the GPI and H Districts shall be the same as those established in the IBP District."

The enumerated purpose of the IBP (Industrial/Business Park) District, "is intended to provide space in attractive and appropriate locations for certain low-impact employment and manufacturing uses in a planned industrial/business park setting," for which the IBP setbacks would create a hardship for a site of this nature. Given that the existing site is being reused for the identical use, the application of the setbacks and minimum site area requirements of the appropriate zoning designation would render the location unusable in its current configuration. This would also have implications for the proposed addition of the building to allow its continued used as a Fire/Medical station. With city rights-of-way along the southern, eastern and western sides of the site, and existing development to the north, the requested variance would memorialize the existing building footprint to today's Land Development Code setback requirements.



**Figure 2: IBP & GPI Required Setbacks Illustration**

4. That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare.

Applicant response: *This variance will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare. Quite opposite is the fact that the granting of this variance will assist with improved fire and medical service to the community, and allow for better servicing to our senior population."*

In staff's opinion, granting the requested variance will not create an adverse effect upon the public health, safety, morals, order, convenience, prosperity or general welfare. The request in question is contained within the parcel owned by the applicant, and will provide a benefit to the adjacent owners, and will be consistent with the current site layout and use. This would not create any spill-over noxious effects to the surrounding area.

5. That granting the variance desired will not be opposed to the general spirit and intent of this chapter.

Applicant response: *"The granting of this variance request is not opposed to the general spirit and intent of the current development code in that the zoning tied to this piece of land is still appropriate or the continuing uses planned. It is simply a matter of modern day best planning practices being applied to a building of another age, and creating non-conformity as such. The granting of this variance will allow the continued, appropriate uses to operate within a now historic structure that is part of Lawrence's history."*

In staff's opinion, approval of this variance is consistent with the general spirit and intent of the Land Development Code. Granting the requested variances is consistent with the previous findings of the Board, and also consistent with the spirit of Land Development Code. Granting of these requested variances would permit for the continued use and rehabilitation of the existing fire station, ensuring that the needs and protections of the public interest are maintained, while balancing the requirements to preserve the historic architectural integrity of the site and structure.

**Conclusions:** Staff's analysis of this variance application finds the request meets all five conditions set forth in Section 20-1309(g)(1) of the Land Development Code that the Board must find existing to grant a variance.

**Recommendation:** Staff recommends approval of the requested variances to reduce the 40 foot minimum setbacks abutting street right-of-way to 9 feet 6 inches along the south side; 37 feet along the east side; and 16 feet along the west side. And to reduce the 15 foot minimum setback abutting a Non-R District to 9 feet 5 inches on the north side.



**APPLICATION FOR  
VARIANCE FROM UNNECESSARY HARDSHIP**

RECEIVED

JUN -1 2017

City County Planning Office  
Lawrence, Kansas

**OWNER INFORMATION**

Name(s) City of Lawrence - Lawrence Douglas County Fire-Medical

Contact Fire Chief - Mark Bradford

Address 1911 Stewart Ave.

City Lawrenc State KS ZIP 66046

Phone (785) 830-7000

Fax ( )

E-mail mbradford@lawrenceks.org

Mobile/Pager ( )

**APPLICANT/AGENT INFORMATION**

Contact Jay E. Zimmerschied

Company Zimmerschied Architecture

Address 901 Branchwood Drive

City Lawrence, Kansas State KS ZIP 66046

Phone (785) 550-5743

Fax ( )

E-mail jay@zimmerschiedarchitecture.com

Mobile/Pager (785) 550-5743

Pre-Application Meeting Date

Planner

**PROPERTY INFORMATION**

Present Zoning District GPI/GPI-UC Present Land Use Fire Station No1 & DCSRC

Proposed Land Use No proposed change

Legal Description (*may be attached*) Fire Station No1 BLK 1 LT 1 (Replat 2016)

Address of Property 746 Kentucky Street/745 Vermont Street

Total Site Area 39,148 sq.ft.

Number and Description of Existing Improvements or Structures Existing 1950's mid century structure housing LDFM Station No. 1 & the Douglas County Senior Services Center.

Previous remodels occurred in 1970 and 1984 to the existing structure.

B-17-00285

**Description of variance requested:**

This variance request is for a reduction of current building setback requirements for all sides of the existing building located at the address identified above. The current zoning was not in force during the original building design and construction in 1950, and as such the existing building currently encroaches on all currently adopted building setbacks.

Further in order to insure proper code egress from the existing building it has become a requirement to provide additional occupant exiting from the 2nd floor of the existing building and this variance will allow room for the required addition to house this circulation.

Refer to the attached plan for current building setback requirement and proposed setback requirements being proposed as part of this variance request.





## **UNNECESSARY HARDSHIP CRITERIA**

The Board of Zoning Appeals may approve a zoning variance if it finds that all of the following criteria have been met. The Development Code places the burden on the applicant to show that an application complies with such criteria. Please respond to each criterion to the best of your knowledge. (Attach additional sheets if needed.)

**1. That the variance request arises from such conditions which are unique to the property in question and not ordinarily found in the same zoning or district and are not created by action(s) of the property owner or applicant:**

This variance request is required as a result of modern planning and zoning being applied to a structure built nearly 70 years ago when no such planning guidelines were in place. The original building was built in 1950 and continues to serve the City of Lawrence and Douglas County for fire and medical service as well as its senior population. The co location of these two entities within one aging structure has lead to a operational need to separate the interior building spaces which is modifying the existing egress within the building making additional vertical circulation a requirement inorder to meet adopted building code.

Further the building is on the Kansas State Historical Register so significant remodel of interior character defining features would suggest that new vertical circulation components would best be added to the existing structure in lieu of cutting through it to create the required egress. This involves expanding the existing non conforming foot print per adopted zoning ordinance.

**2. That granting the variance would not adversely affect the rights of adjacent property owners or residents:**

The granting of this variance would not adversely affect the rights of adjacent property owners as only the West elevation of the existing building would be changed from the existing condition. The West building elevation faces the City owned public pool. The remainder of the building would have no footprint modification so existing conditions would remain unchanged. The acceptance of this variance would allow for improved fire and medical service to the citizens of Lawrence and Douglas County and provide better assistance to its senior population.



**3. That strict application of the provisions of this chapter for which the variance is requested would constitute unnecessary hardship upon the property owner represented in the application:**

Should this variance not be accepted, the existing building would remain non-conforming as defined by modern adopted zoning ordinance. This may present insurance issues for the property owner should unforeseen damages occur to portions of the existing structure that encroach on adopted building setbacks.

The need to separate the two entities planned for co-location within this building is paramount to their operations and without the ability to expand the building footprint to accommodate modern code exiting requirements, it becomes more challenging to reuse the existing facility for its intended purpose and may required the construction of new facilities.

Being that the building is on the Kansas State Register of Historic places, the need to maintain as much of the historic character of the existing building is critical to insure that available project funding can be realized throught the use of tax credits.

**4. That the variance desired would not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare:**

This variance will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare. Quite opposite is the fact that the granting of this variance will assist with improved fire and medical service to the community, and allow for better servicing of our senior population.




**5. That granting the variance desired would not be opposed to the general spirit and intent of the Development Code:**

The granting of this variance request is not opposed to the general spirit and intent of the current development code in that the zoning tied to this piece of land is still appropriate or the continuing uses planned. It is simply a matter of modern day best planning practices being applied to a building of another age, and creating non conformity as such. The granting of this variance will allow the continued, appropriate uses to operate within a now historic structure that is part of Lawrence's history.

**SIGNATURE**

I/We, the undersigned am/are the **(owner(s)), (duly authorized agent), (Circle One)** of the aforementioned property. By execution of my/our signature, I/we do hereby officially apply for variances as indicated above.

Signature(s):  Date 06.01.17

\_\_\_\_\_ Date \_\_\_\_\_

\_\_\_\_\_ Date \_\_\_\_\_

**STAFF USE ONLY**

Application No. \_\_\_\_\_

Date Received \_\_\_\_\_

BZA Date \_\_\_\_\_

Fee \$ \_\_\_\_\_

Date Fee Paid \_\_\_\_\_





### PROPERTY OWNERSHIP LIST CERTIFICATION

As required by Article 13, Section 20-1301(q) of the Development Code, the applicant is responsible for providing certified Ownership information (including names and mailing addresses) of all real property owners within a defined radius from the subject property. The Planning Department is required by the Development Code to use the submitted Ownership list to mail notice of the public hearing to surrounding property owners regarding this Application.

#### Ownership Information

The applicant is responsible for providing certified Ownership information. Current Ownership information shall be obtained from the Douglas County Clerk. Ownership information will be considered current if it is **no more than 30 days old** at the time an application is submitted to the Planning Department.

#### Radius of Notification

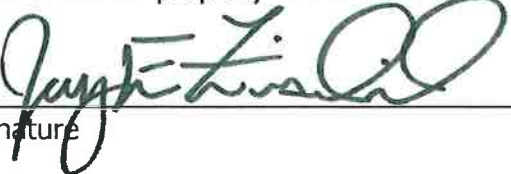
The Ownership list shall include the record Owner of the subject property and all Owners of property located within 400 feet of the subject property. If the subject property is adjacent to the City limits the area of notification shall be extended to at least 1,000 feet into the unincorporated area.

A map of the "Radius of Notification" can be obtained **at the Applicant's request** at the Planning Office. The map indicates ownership of each property and can be used to check the accuracy and completeness of the Ownership List. The map will be supplied **at the Applicant's expense. Allow 10 business days** to receive the map.

#### THE FOLLOWING IS TO BE COMPLETED AND SUBMITTED BY THE APPLICANT.

I certify that I have read and understood the above information and that the submitted Ownership list:

1. was a) obtained from and b) certified by the Douglas County Clerk,
2. is current (**no more than 30 days old**), and
3. includes all property owners within the required notification radius of the subject property.

  
Signature

06.01.17

Date

Jay E. Zimmerschied, A.I.A.

Printed Name



## EXHIBIT A:

Project Legal Description:  
FIRE STATION NO 1 BLK 1 LT (REPLATE 2016)

Transmittal

Date June 1, 2017

Project # ZA 1603

Company City of Lawrence/Douglas County Planning & Development

Attention Planner of the Day

Reference BZA Application Information for Fire Station No 1  
Remodel

From Jay Zimmerschied

Via

☐ Fax (#pgs )

☒ Hand Delivery

☐ Standard Mail

☐ Ground

☐ Overnight

#/ Address City of Lawrence  
Lawrence Planning Deartment  
6 E. 6<sup>th</sup> Street  
Lawrence, KS 66044

Notes

Planner of the Day,  
Please find the attached Board of Zoning Appeals application and supporting information for the Lawrence Douglas County Fire-Medical Station No. 1 Remodel project.  
Being that this is a City project it is assumed that any application/permit fees associate with this submittal will be waived.  
Please review the attached transmittal and attached information and let me know if you need anything further to complete this application.

Thanks.....Jay

Section	Qty.	Date	Description
	1		Complete BZA Application Form
	1		Jump Drive: Containing application required information
	2		24x36 Paper Copies of site plan

☐ For Review

☐ For Comment

☒ For Your Use

☐ As Requested

☐ Reviewed

☐ Make Corrections Noted

☐ Revise & Resubmit

☐ Rejected

Copy To Project File

Signed



**LEGAL DESCRIPTION:**  
FIRE STATION NO 1 BLK 1 LT 1 (REPLAT 2016)

**PROPERTY DESCRIPTION:**  
RP 9/12/16; FIRE STATION NO 1 BLK 1 LT 249 X 150 37493SF

**PROJECT INFORMATION:**  
**LOCATION:**  
746 KENTUCKY/745 VERMONT STREETS, LAWRENCE KANSAS 66046

**PROJECT DESCRIPTION:**  
REMODEL OF THE EXISTING 1950'S MID CENTURY MODERN STRUCTURE LOCATED PER THE ABOVE DESCRIPTION. REMODEL INCLUDES COMPLETE INTERIOR REMODEL INCLUDING ALL MEP SYSTEMS AND A CODE REQUIRED VERTICAL CIRCULATION CORE FOR THE WEST SIDE OF THE BUILDING.

**BUILDING DATA:**  
EXISTING TWO STORY + BASEMENT: 30,652 GROSS SQ.FT.  
PROPOSED WEST ADDITION: 1,058 GROSS SQ.FT.  
TOTAL SQ.FT.: 31,710 GROSS SQ.FT.

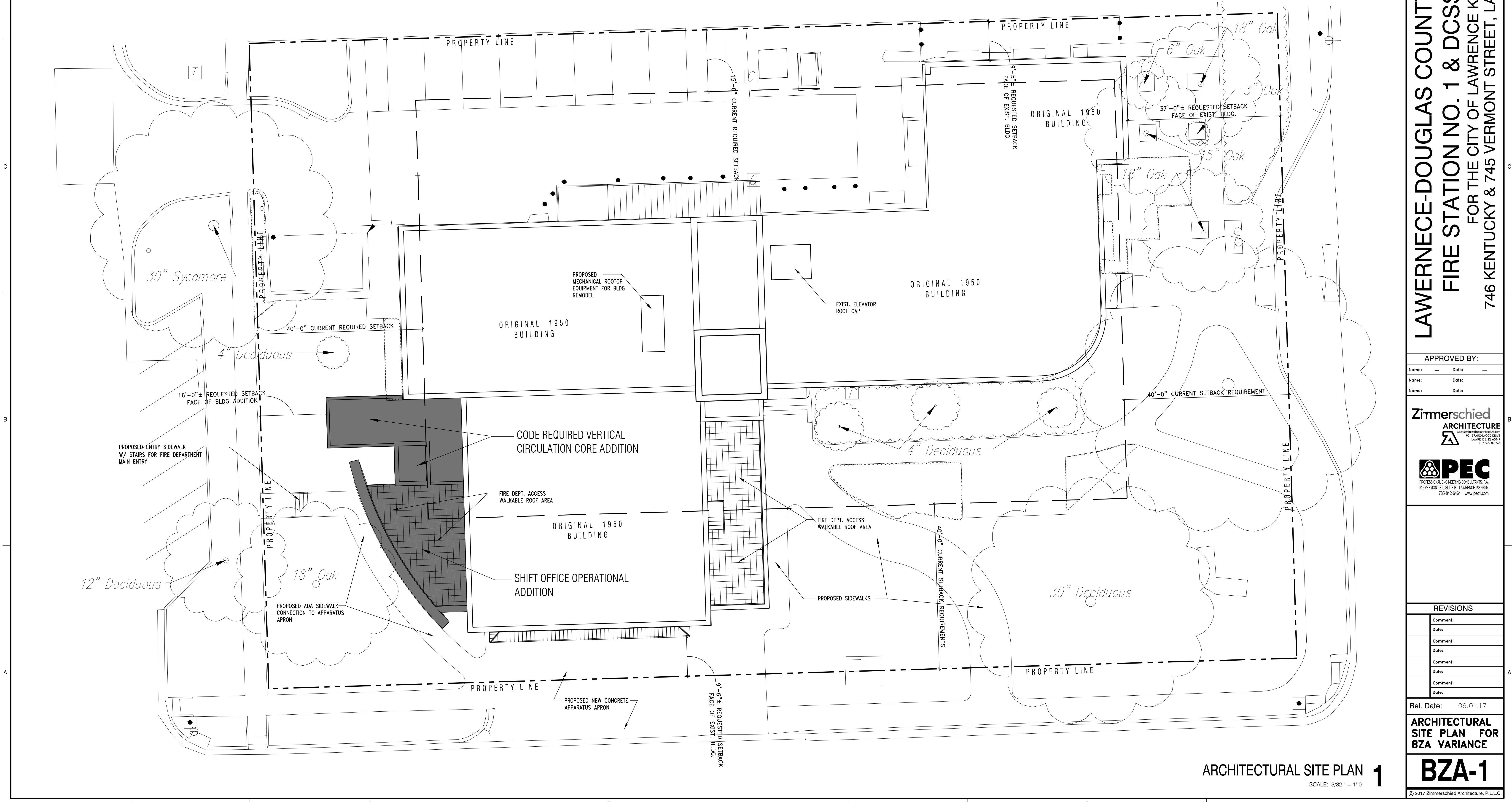
**ZONING & USE:**  
ZONING CLASSIFICATION:  
GIP (GENERAL PUBLIC AND INSTITUTIONAL)

**EXISTING USE:**  
FIRE STATION NO. 1 & DOUGLAS COUNTY SENIOR RESOURCE CENTER

**PROPOSED USE:**  
NO CHANGE

**PARKING CALCULATIONS:**  
NO SITE PARKING MODIFICATIONS ARE PROPOSED AS PART OF THIS SUBMISSION.

- NOTES**
1. ACCESS/RESTRICTIONS: NO ACCESS RESTRICTIONS ARE NOTED.
  2. FLOODPLAIN: THE SUBJECT PROPERTY IS NOT LOCATED WITHIN THE ONE PERCENT ANNUAL CHANGE (100-YEAR) FLOODPLAIN ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), FLOOR INSURANCE RATE MAPS (FIRM).
  3. STORM WATER DETENTION: NO DETENTION PROPOSED DUE TO PROJECT LOCATION IN DENSITY OF DOWNTOWN AREA.
  4. EXISTING BUILDING, PARKING, SIDEWALKS, LANDSCAPE AND EXTERIOR PARKING LOT LIGHTING WILL BE MODIFIED AS PART OF THE REMODEL. ANY MODIFICATIONS TO THIS PLAN WILL BE SUBMITTED AT THE TIME OF SITE PLAN SUBMITTAL.
  5. UTILITIES: EXISTING UTILITIES WILL IMPROVED TO SUPPORT REMODEL ACTIVITIES.
  6. OVERLAY DISTRICTS: THE EAST PORTION OF THIS PROPERTY IS LOCATED WITHIN THE URBAN CONSERVATION OVERLAY DISTRICT.
  7. ADJUSTMENTS TO THE EXISTING MATURE SITE PLANTINGS WILL BE REQUIRED AND SUBMITTED AS PART OF THE SITE PLAN SUBMITTAL FOR THE PROJECT.
  8. NO NEW EXTERIOR LIGHTING IS PROPOSED AS PART OF THIS VARIANCE REQUEST. EXTERIOR LIGHTING TO BE ADDED TO THE SITE IN THE FUTURE WILL REQUIRE THE SUBMITTAL AND APPROVAL OF A PHOTOMETRIC PLAN PRIOR TO INSTALLATION.



ARCHITECTURAL SITE PLAN 1  
SCALE: 3/32" = 1'-0"

ZA-1603

LAWERNECE-DOUGLAS COUNTY FIRE MEDICAL  
FIRE STATION NO. 1 & DCSS REMODEL  
FOR THE CITY OF LAWRENCE KANSAS  
746 KENTUCKY & 745 VERMONT STREET, LAWRENCE KS, 66044

APPROVED BY:

Name: — Date: —

Name: — Date: —

Name: — Date: —

Zimmerschied  
ARCHITECTURE  
www.zimmerschied.com  
101 BRANDENBURG DRIVE  
LAWRENCE, KS 66044  
P. 785-590-5343

IPEC  
PROFESSIONAL ENGINEERING CONSULTANTS, P.A.  
616 VERMONT ST., SUITE B LAWRENCE, KS 66044  
785-842-6464 www.pec1.com

REVISIONS

Comment:

Date:

Comment:

Date:

Comment:

Date:

Comment:

Date:

Rel. Date: 06.01.17

ARCHITECTURAL  
SITE PLAN FOR  
BZA VARIANCE

BZA-1

© 2017 Zimmerschied Architecture, P.L.L.C.

**ITEM NO. 6      PARKING VARIANCE FOR A MIXED USE STRUCTURE; 1420 CRESCENT DRIVE [JSC]**

**B-17-00284:** A request for a variance as provided in Section 20-1309 of the Land Development Code of the City of Lawrence, Kansas, 2015 edition. The request is for a variance from Article 9, "Parking, Loading and Access," requiring a minimum number of off-street parking spaces to be provided in an improved parking lot on the same property as the land use or on nearby property under the same ownership as the land use from a required 56 spaces to 30 spaces. The property is located at 1420 Crescent Road. Submitted by David Hamby, BG Consultants, Inc., on behalf of Axiom Equities, L.L.C., property owners of record.

**B.      REASON FOR REQUEST**

*Applicant's Request – "A reduction in the amount of required parking stalls is requested. The parking calculation indicates that the proposed site requires 40 parking stalls. The existing site plan provides 30 parking stalls."*

*Staff Note: After the submittal of the application, the Planning Director determined the use of the site to be "Fast Order Food" which increased the required parking to 56 total spaces.*

**C.      ZONING AND LAND USE**

Current Zoning & Land Use:	MU (Mixed Use) District; existing retail/residential structure
Surrounding Zoning and Land Use:	U-KU (U – Kansas University) District to the west and south
	RS7 (Single-Dwelling Residential) District to the west, single family residences
	RMG (Multi-Dwelling Residential – Greek Housing) District to the north and east, Chi Omega sorority due east

**D.      ZONING ORDINANCE REQUIREMENTS**

Section 20-902, "Off-Street Parking Schedule A," sets the minimum number of required parking spaces based on the uses within the building. Based upon the proposed uses for the structure, 56 spaces are required to be provided.

Use Category	Requirement	Amount	Total
<b>Apartments</b>	1 per Bedroom	6 Bedrooms	6
<b>Fast Order Food</b>			
Customer Service Area	1 per 100 Square Feet	3,207 Sq. Ft.	33
Employees	Employees on Largest Shift	12 Employees	12
<b>Retail</b>	1 per 300 Square Feet	1,324 Sq. Ft.	5
<b>Total</b>			<b>56</b>

## E. SPECIFIC ANALYSIS

Section 20-1309(g)(1) in the Development Code lists the five requisite conditions that have to be met for a variance to be approved.

**1. The variance request arises from such conditions which are unique to the property in question and not ordinarily found in the same zone or district; and are not created by an action or actions of the property owner or applicant.**

Applicant response: *"The variance request is unique to the property in that the property and the uses proposed for the existing building do not depend upon vehicular traffic as much as foot traffic from the nearby University students, faculty and staff. The owners and tenants of the property are planning to take advantage of the existing transit and pedestrian infrastructure in the area to allow customers to access the store."*

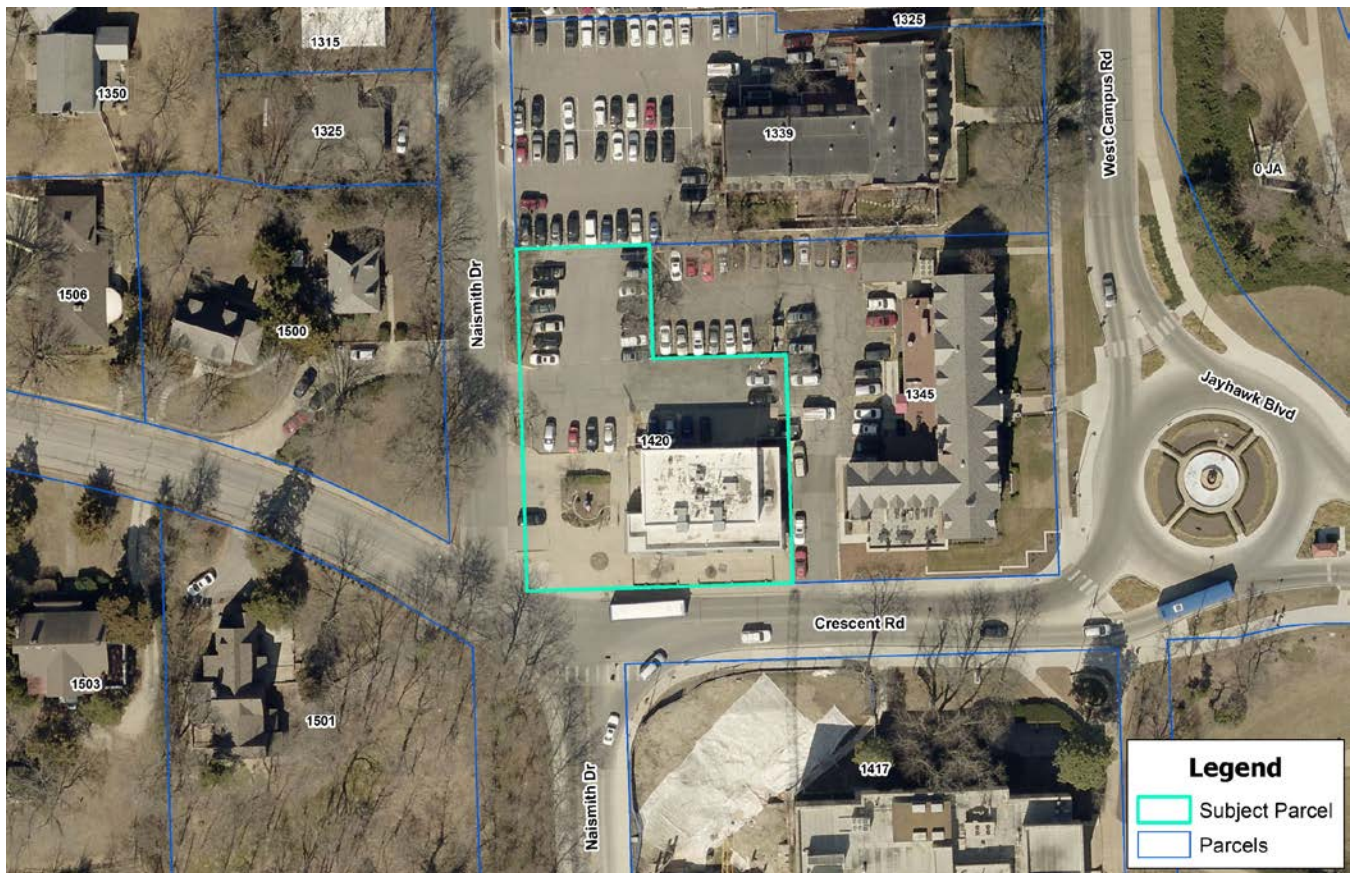
The variance originates from the reuse of the existing commercial structure. Previously, the building was used as a bookstore (Land Development Code Use: Retail Sales: General), and the owner is proposing to utilize the structure as a coffee shop/bakery (Land Development Code Use: Eating and Drinking Establishments: Fast Order Food). The structure also contain two apartments on the top floor with six total bedrooms. The applicant is not proposing any changes to the number of apartments or bedrooms as part of their pending site plan proposal.

The request for a variance is necessary due to the interior remodeling of the commercial portion of the structure, and is not related to façade or site modifications. Section 20-901(b)(3) of the Land Development Code requires, "when the use or occupancy of property changes, additional off-street parking and loading facilities must be provided to serve the new use or occupancy only when the number of parking or loading spaces required for the new use or occupancy exceeds the number of spaces required for the use that most recently occupied the Building, based on the standards of this development code." The previous use as General Retail required parking at 1 parking space per 300 square feet. The new proposed use of Fast Order Food requires 1 parking space per 100 square feet of customer service area plus 1 per employee based on the largest shift.

The use of the structure for retail use predates the 2006 adoption of the Land Development Code. The former bookstore and apartments were recognized legal, non-conforming uses prior to the establishment of the MU Zoning District. In 2008, the property was rezoned from RMG (Multi-Dwelling Residential – Greek Housing) District to MU (Mixed Use) District to correct a misalignment in the zoning designation with the transition to the new code (Z-05-10-08). The site was approved in 1989 with a requirement of 37 parking spaces. The site plan indicated that 38 standard parking spaces were provided at that time.



Due to the unique internal design and the anticipated operation of the 2<sup>nd</sup> floor space by the tenant, the Planning Director determined the use characteristic that best fits this proposal to be Eating & Drinking Establishments: Fast Order Food utilizing the interpretation criteria of Section 20-1702(b) as required by Section 20-401(f). Therefore, both floors of the commercial space have been given the use of Fast Order Food, with the parking requirement of 1 parking space per 100 square feet of customer service area plus 1 per employee based on the largest shift. Based on the use, the required parking amount for the structure is 56 parking spaces; therefore, a reduction of 26 spaces is needed to meet the applicant's initial request of 30 parking spaces.



**Figure 1: Subject Property**

One of the unique factors of this property is the inability for the use and the parking to expand within the site or within the general area. The proposed work on the building does not change the size of the building and does not expand the land controlled by this development. Also unique to this site is the surrounding traffic pattern for this site. Situated close to the University of Kansas, and within one of the primary pedestrian and transit corridors for the university, this location has historically capitalized on this pattern to mainly serve and attract clientele who arrive at this location by means other than by driving.

The previous use for the building was retail and required a different parking standard than the use the owner is proposing under this application. In effect, the opening of the second floor coupled with the change in use to Fast Order Food is a principal reason for this variance request. Continuing to use the building for a general retail use would require parking at 1 parking space per 300 square feet, or a total

parking requirement for the building of 34 parking spaces; thereby needing a variance of 4 spaces. However, the proposed change in use intensifies the parking requirements to 56; thereby needing a variance of 26 spaces.

Level	Use	Size	Required Parking
Third Floor	Apartments	6 Bedrooms	6
Second Floor	Fast Order Food	2,015 Sq. Ft.	21
First Floor	Fast Order Food	1,192 Sq. Ft.	12
	Retail	1,324 Sq. Ft.	5
	Employees	12 Employees	12
Total			56

Staff believes that the combination of the site's location, its inability to expand or reasonably modify to accommodate an additional 26 parking spaces, and the reuse of the existing structure for a use in accordance with the those permitted within the Land Development Code constitutes a unique condition. However, in this instance intensifying the use and increasing the parking demand is an action being undertaken by the property's ownership creating this request for a variance.

**2. That the granting of the variance will not adversely affect the rights of adjacent property owners or residents.**

*Applicant response: "Granting the variance would not adversely affect the rights of adjacent property owners or residents as they anticipate the 30 stalls provided will adequately serve their business. The existing neighborhood surrounding the property already limits the amount of on-street parking due to the demand for parking in the neighborhood. Granting this variance would not increase the demand for parking in this neighborhood. Not granting the variance, however, would require the owner to provide additional parking for the site. This could impact the adjacent property owners depending upon the form that the additional parking took.*

In staff's opinion, the requested variance would not adversely affect the rights of adjacent property owners or residents. Notice was provided to property owners within 400 foot of the subject property informing them of the application filed by the property owner. As of the time this report was written, staff has not been contacted by any property owner expressing concerns or objections to the applicant's request.

While not a right, the convenience of surrounding property owners may be affected if patrons do drive and have to park along the adjacent residential streets. Parking in this area has been studied as part of the draft [10-Year Parking Operations and Development Plan](#). This study notes, "Businesses that operate in these primarily-residential neighborhoods have different parking needs than the residents" (p. 22) The report also notes that there are indications of parking in the surrounding neighborhoods increasing in recent years, noting that the, "increase in demand for on-street parking is likely due to several factors, including increased residential density in the neighborhoods, growth in the campus's student and employee populations, large increases in the prices of KU parking permits, and the loss of on-campus parking spaces to new development, among others" (p. 23). While this particular area was not mapped as part of the study, staff believes that the findings may be equally applicable in this area given that a 26 space deficit is being created.



**3. That the strict application of the provisions of this chapter for which variance is requested will constitute unnecessary hardship upon the property owner represented in the application.**

Applicant response: *"The owner is wishing to reuse an existing building to develop a business that is a great fit for the area it is located in. If the variance is not granted, the owner would be forced to look at other options for the site. This may include removal of the existing building, finding another tenant that may not fit the site as well or other options to utilize the property."*

A strict application of the parking requirements in this case may constitute an unnecessary hardship as it may limit the use of the site for a permitted conforming use. The stated purpose of the district is to also permit development that includes both residential and nonresidential uses (Section 20-224(a)). The use of the structure for both the Fast Order Food, Retail, and residential uses are permitted in the MU Zoning District. The MU Zoning District allows for a variety of land uses to be located within the same structure, specifically encouraging retail uses that attract and generate foot traffic to be located at ground level along a public frontage.

The proposed permitted uses are consistent with the stated purpose of the MU Zoning District. While parking is a vital component of both a site and development proposal, the amount required in this particular application may create some stringent limitations on the potential reuse for the existing building. One of the key components of MU District developments is the attraction and generation of foot traffic as a unique difference than other zoning district within the Land Development Code. Other districts typically prioritize attracting vehicular traffic as the principal means of arrival to a destination, while the MU District prioritizes foot traffic.

Requiring the full parking amount for this application could be contradictory to the stated purpose of the MU District, while creating a situation that may limit the property from meeting the purpose for this zoning district.

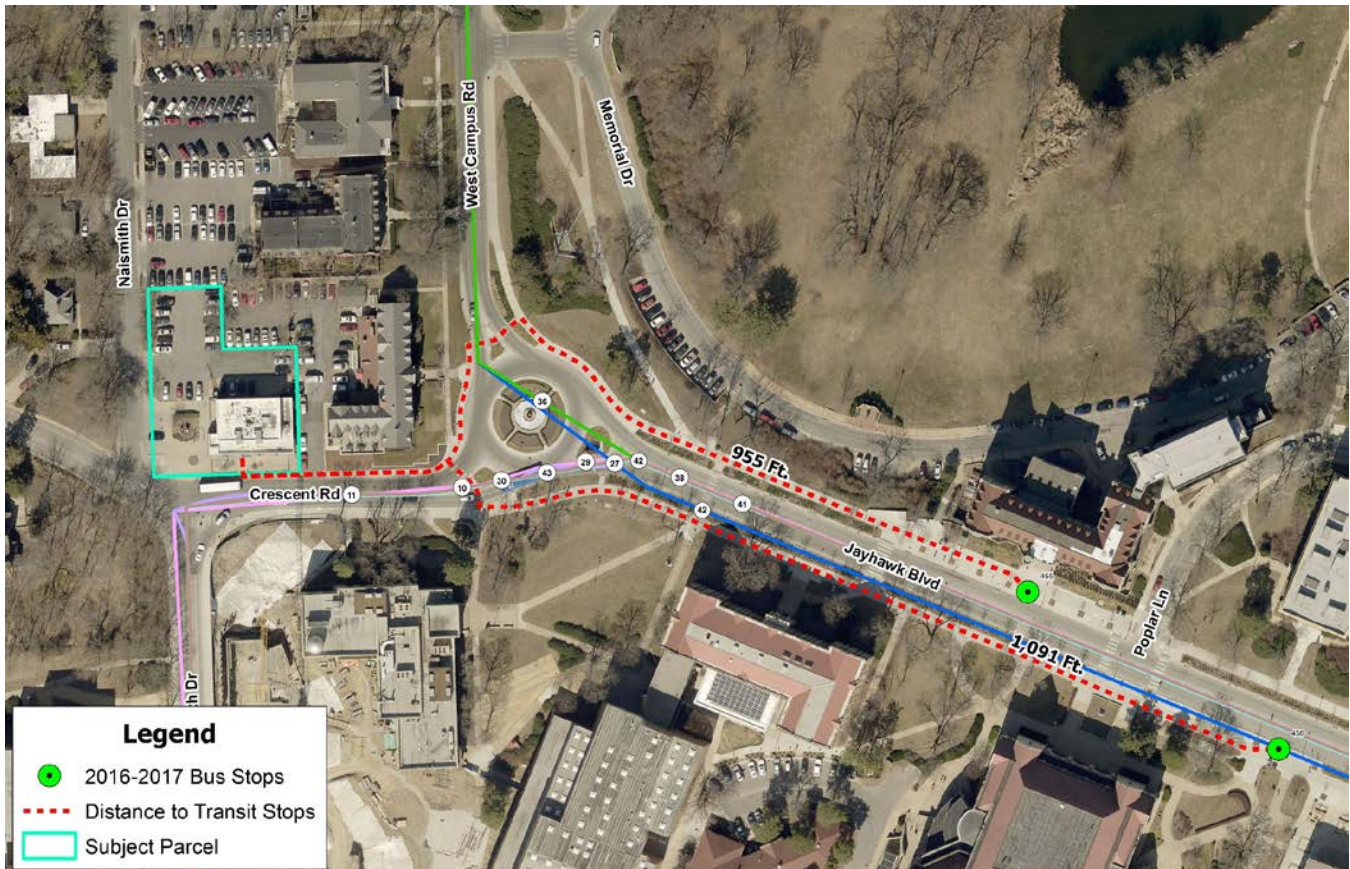
**4. That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare.**

Applicant response: *"Granting the variance will not have an adverse effect on any of these items. Granting the variance would allow the site to redevelop in a manner that would provide a great service in a convenient location, provide jobs, increase the tax base and generate sales tax revenue while also making positive structural/aesthetic improvements to the current, out of date structure."*

In staff's opinion, granting the requested variance may create an adverse effect upon the public health, safety, morals, order, convenience, prosperity or general welfare. This criteria may be a matter of degree. A 26 space deficiency is quite large and could impact on-street parking in the surrounding neighborhood. An alternative would be to use the structure, or a portion of the structure, for a less intense use. However, the property has been used for commercial/retail use previously, and is situated to primarily rely on foot traffic from the University of Kansas and surrounding Greek and student housing. While some vehicular traffic would be reasonably anticipated, the location would principally serve the surrounding university population, and is not anticipated to attract a large vehicular customer base.

**5. That granting the variance desired will not be opposed to the general spirit and intent of this chapter.**

Applicant response: *"The purpose of the code as stated in Article 20-901.a is to ensure that the off-street parking, loading and access demands of various land uses will be met without adversely affecting surrounding areas. The granting of this variance will not affect surrounding areas as explained above. Also, the mixed use zoning district allows a reduction of 20 parking stalls if a site is adjacent to a transit stop. A transit stop was located at this location in the past but it was removed due to safety reasons. However, there are transit stops located near the existing location and the location is on the routes of 9 transit routes."*



**Figure 2: Subject Property in Relation to Transit Routes & Stops**

In staff's opinion, the degree of granting the setback variance would be opposed to the general spirit and intent of the Land Development Code. While the variance is necessary per code parking requirements, the intent of the MU Zoning District in the Land Development Code is to permit a variety of land uses together in one or more structures, while encouraging retail uses that attract and generate foot traffic to be located at ground level along a public frontage. While the parking requirements are also part of the Land Development Code, staff believes there is a mitigating circumstance given the location of the building, and the atmosphere in which it will operate.

The location of this site is conducive to foot traffic as it is already a key pedestrian thoroughfare for existing university foot traffic. The MU District provides an opportunity to reduce parking requirements through bonus point earned for properties meeting certain criteria, such as locations being adjacent to

transit stops. Given the proximity to the University of Kansas, the higher-occupancy Greek housing in the surrounding area and the reasonably close transit connections, staff believes customers of this site will predominantly be within walking distance. While it is reasonable to assume that some visitors will drive to this site, the general location and population are less likely to frequent the proposed use by automobile.

**Conclusions:**

Staff's analysis of this variance application finds the request does not meet all five conditions set forth in Section 20-1309(g)(1) of the Land Development Code that the Board must find existing to grant a variance. Staff encourages the applicant to reduce the intensity of the use in order to reduce the parking demand.

**Recommendation:**

Staff cannot recommend approval of the parking variance based upon the findings in the staff report concluding that the request meets the five conditions outlined in Section 20-1309(g)(1).



**APPLICATION FOR  
VARIANCE FROM UNNECESSARY HARDSHIP**

RECEIVED

MAY 31 2017

City County Planning Office  
Lawrence, Kansas

**OWNER INFORMATION**

Name(s) Axiom Equities LLC

Contact Mike O'Connell

Address 7357 Holiday Drive

City Kansas City State KS ZIP 66106

Phone (913) 687-8431

Fax (\_\_\_\_)

E-mail moconnell@axiomequities.com

Mobile/Pager (\_\_\_\_)

**APPLICANT/AGENT INFORMATION**

Contact David Hamby, P.E., CFM

Company BG Consultants, Inc.

Address 1405 Wakarusa Drive

City Lawrence State KS ZIP 66049

Phone (785) 749-4474

Fax (\_\_\_\_)

E-mail david.hamby@bgcons.com

Mobile/Pager (785) 331-5938

Pre-Application Meeting Date \_\_\_\_\_

Planner Mary Miller

**PROPERTY INFORMATION**

Present Zoning District MU Present Land Use Vacant/Residential Apts.

Proposed Land Use Bakery/Deli/Apartments

Legal Description (*may be attached*) Lots 11, 12 and the west 70' of Lot 13, University Heights

Address of Property 1420 Crescent Road, Lawrence, Kansas

Total Site Area 21,181 sf

Number and Description of Existing Improvements or Structures Existing 3 story building

B-17-00284



6 East 6<sup>th</sup> Street, P.O. Box 708, Lawrence, KS 66044  
(785) 832-3150 Fax (785) 832-3160  
<http://www.lawrenceks.org/pds/>

A reduction in the amount of required parking stalls is requested. The parking calculation indicates that the proposed site requires 40 parking stalls. The existing site plan provides 30 parking stalls.

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.





## UNNECESSARY HARDSHIP CRITERIA

The Board of Zoning Appeals may approve a zoning variance if it finds that all of the following criteria have been met. The Development Code places the burden on the applicant to show that an application complies with such criteria. Please respond to each criterion to the best of your knowledge. (Attach additional sheets if needed.)

**1. That the variance request arises from such conditions which are unique to the property in question and not ordinarily found in the same zoning or district and are not created by action(s) of the property owner or applicant:**

The variance request is unique to the property in that the property and the uses proposed for the existing building do not depend upon vehicular traffic as much as foot traffic from the nearby University students, faculty and staff. The owners and tenants of the property are planning to take advantage of the existing transit and pedestrian infrastructure in the area to allow customers to access the store.

---

---

---

---

---

**2. That granting the variance would not adversely affect the rights of adjacent property owners or residents:**

Granting the variance would not adversely affect the rights of adjacent property owners or residents as they anticipate the 30 stalls provided will adequately serve their business. The existing neighborhood surrounding the property already limits the amount of on-street parking due to the demand for parking in the neighborhood. Granting this variance would not increase the demand for parking in this neighborhood. Not granting the variance, however, would require the owner to provide additional parking for the site. This could impact the adjacent property owners depending upon the form that the additional parking took.

---



**3. That strict application of the provisions of this chapter for which the variance is requested would constitute unnecessary hardship upon the property owner represented in the application:**

The owner is wishing to reuse an existing building to develop a business that is a great fit for the area it is located in. If the variance is not granted, the owner would be forced to look at other options for the site. This may include removal of the existing building, finding another tenant that may not fit the site as well or other options to utilize the property.

**4. That the variance desired would not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare:**

Granting the variance will not have an adverse effect on any of these items. Granting the variance would allow the site to redevelop in a manner that would provide a great service in a convenient location, provide jobs, increase the tax base and generate sales tax revenue while also making positive structural/aesthetic improvements to the current, out of date structure.



**City of Lawrence  
Douglas County**  
PLANNING & DEVELOPMENT SERVICES

**Lawrence Douglas County  
Metropolitan Planning Office**

6 East 6<sup>th</sup> Street, P.O. Box 708, Lawrence, KS 66044  
(785) 832-3150 Fax (785) 832-3160  
<http://www.lawrenceks.org/pds/>

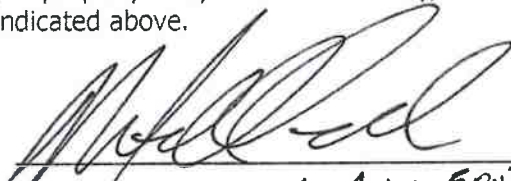
**5. That granting the variance desired would not be opposed to the general spirit and intent of the Development Code:**

The purpose of the code as stated in Article 20-901.a is to ensure that the off-street parking, loading and access demands of various land uses will be met without adversely affecting surrounding areas. The granting of this variance will not affect surrounding areas as explained above. Also, the mixed use zoning district allows a reduction of 20 parking stalls if a site is adjacent to a transit stop. A transit stop was located at this location in the past but it was removed due to safety reasons. However, there are transit stops located near the existing location and the location is on the routes of 9 transit routes.

**SIGNATURE**

I/We, the undersigned am/are the **(owner(s)), (duly authorized agent), (Circle One)** of the aforementioned property. By execution of my/our signature, I/we do hereby officially apply for variances as indicated above.

Signature(s):



Date

5/31/2017

MIKE O'CONNELL, AXIOM EQUITIES

Date

Date

**STAFF USE ONLY**

Application No. \_\_\_\_\_

Date Received \_\_\_\_\_

BZA Date \_\_\_\_\_

Fee \$ \_\_\_\_\_

Date Fee Paid \_\_\_\_\_





**City of Lawrence  
Douglas County**  
PLANNING & DEVELOPMENT SERVICES

**Lawrence Douglas County  
Metropolitan Planning Office**  
6 East 6<sup>th</sup> Street, P.O. Box 708, Lawrence, KS 66044  
(785) 832-3150 Fax (785) 832-3160  
<http://www.lawrenceks.org/pds/>

**OWNER AUTHORIZATION**

I/WE Axiom-Tayhawk, LLC, hereby referred to as the "Undersigned", being of lawful age, do hereby on this 13<sup>th</sup> day of April, 20 17, make the following statements to wit:

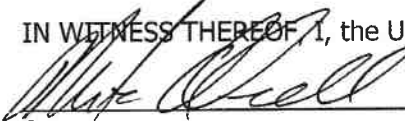
1. I/We the Undersigned, on the date first above written, am/are the lawful owner(s) in fee simple absolute of the following described real property:

See "Exhibit A, Legal Description" attached hereto and incorporated herein by reference.

2. I/We the undersigned, have previously authorized and hereby authorize BG Consultants, Inc. (David Hamby) (Herein referred to as "Applicant"), to act on my/our behalf for the purpose of making application with the Planning Office of Lawrence/Douglas County, Kansas, regarding 1420 Crescent Road, Lawrence, KS (common address), the subject property, or portion thereof. Such authorization includes, but is not limited to, all acts or things whatsoever necessarily required of Applicant in the application process.

3. It is understood that in the event the Undersigned is a corporation or partnership then the individual whose signature appears below for and on behalf of the corporation or partnership has in fact the authority to so bind the corporation or partnership to the terms and statements contained within this instrument.


IN WITNESS THEREOF, I, the Undersigned, have set my hand and seal below.

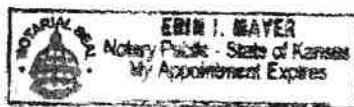
 \_\_\_\_\_  
Owner Owner

MIKE O'CONNELL, ACQUISITION  
STATE OF KANSAS MANAGER  
COUNTY OF DOUGLAS AXIOM-TAYHAWK, LLC  
AXIOM EQUITIES

The foregoing instrument was acknowledged before me on this 13<sup>th</sup> day of April, 20 17

by Erin I. Mayer

My Commission Expires: 10-20-2020   
Notary Public





### PROPERTY OWNERSHIP LIST CERTIFICATION

As required by Article 13, Section 20-1301(q) of the Development Code, the applicant is responsible for providing certified Ownership information (including names and mailing addresses) of all real property owners within a defined radius from the subject property. The Planning Department is required by the Development Code to use the submitted Ownership list to mail notice of the public hearing to surrounding property owners regarding this Application.

#### Ownership Information

The applicant is responsible for providing certified Ownership information. Current Ownership information shall be obtained from the Douglas County Clerk. Ownership information will be considered current if it is **no more than 30 days old** at the time an application is submitted to the Planning Department.

#### Radius of Notification

The Ownership list shall include the record Owner of the subject property and all Owners of property located within 400 feet of the subject property. If the subject property is adjacent to the City limits the area of notification shall be extended to at least 1,000 feet into the unincorporated area.

A map of the "Radius of Notification" can be obtained **at the Applicant's request** at the Planning Office. The map indicates ownership of each property and can be used to check the accuracy and completeness of the Ownership List. The map will be supplied **at the Applicant's expense. Allow 10 business days** to receive the map.

#### THE FOLLOWING IS TO BE COMPLETED AND SUBMITTED BY THE APPLICANT.

I certify that I have read and understood the above information and that the submitted Ownership list:

1. was a) obtained from and b) certified by the Douglas County Clerk,
2. is current (**no more than 30 days old**), and
3. includes all property owners within the required notification radius of the subject property.

  
\_\_\_\_\_  
Signature

May 31, 2017  
\_\_\_\_\_  
Date

David J. Hamby  
\_\_\_\_\_  
Printed Name



**JAMIE SHEW**  
**DOUGLAS COUNTY CLERK**  
1100 Massachusetts  
Lawrence, KS 66044

**Marni Penrod**-Chief Deputy Clerk  
**Heather Dill**-Deputy Clerk Elections

May 31, 2017

A CERTIFIED PROPERTY OWNERSHIP LIST WITHIN 400 FT OF 1420 CRESCENT RD  
(U08646A). 05/31/2017. REQUESTED BY DAVID HAMBY OF BG CONSULTANTS.

JOHN R. NICHOLS  
DOUGLAS COUNTY CLERK'S OFFICE  
1100 MASSACHUSETTS ST  
LAWRENCE, KS 66044

785-832-5147

[jnichols@douglas-county.com](mailto:jnichols@douglas-county.com)

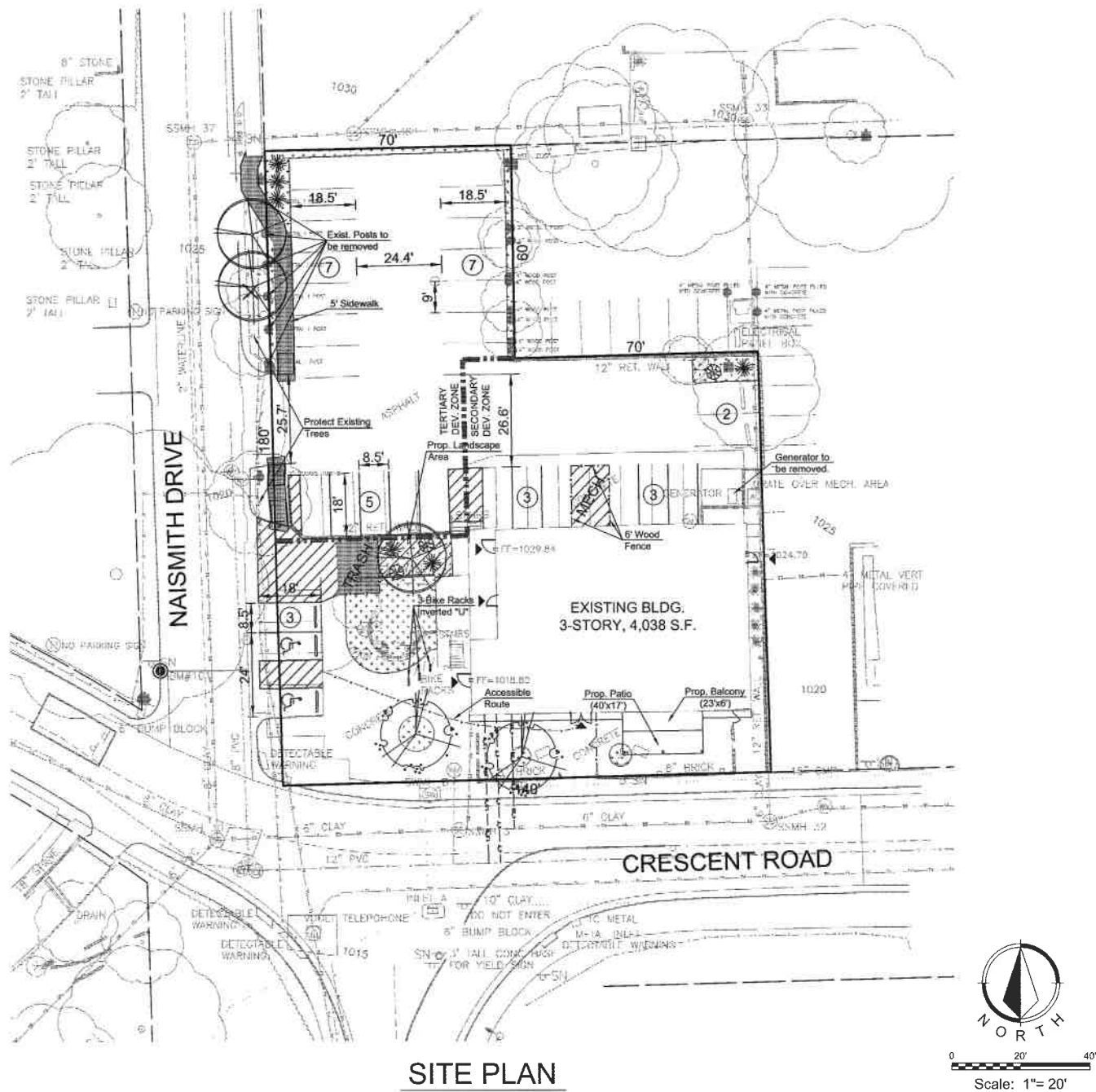
Douglas County Real Estate Division  
County Clerk's Office. I do hereby certify  
the Property Ownership listed hereto, to be  
true and accurate.

POL WITHIN 400 FT OF 1420 CRESCENT RD  
(U08646A)



owner1	owner2	address	city	state	zip	plate	situs
UNIVERSITY OF KANSAS		1450 JAYHAWK BLVD RM 245	LAWRENCE	KS	66045	U06183A01	0 JAYHAWK BLVD
SIGMA ALPHA EPSILON FRAT		2201 W 25TH ST STE R	LAWRENCE	KS	66047	U08632A	1301 WEST CAMPUS RD
BENDAPUDI VENKATA R	BENDAPUDI NEELIMA M	1505 UNIVERSITY DR	LAWRENCE	KS	66044	U08684A	1505 UNIVERSITY DR
ANDERSON JAN-ERIC L		1507 STRATFORD RD	LAWRENCE	KS	66044	U08686A	1515 UNIVERSITY DR
EMERT MARK T	EMERT ANNE C	1535 UNIVERSITY DR	LAWRENCE	KS	66044	U08688A	1535 UNIVERSITY DR
SMITH GREGG D	WOOD MOLLY	1344 STRONG AVE	LAWRENCE	KS	66044	U08705A	1344 STRONG AVE
XI CHAPTER OF SIGMA KAPPA		13230 OUTLOOK DR	LEAWOOD	KS	66209	U08636A	1325 WEST CAMPUS RD
TEFFT KIM		1333 E 1600 RD	LAWRENCE	KS	66046	U08658A	1315 NAISMITH DR
MILLER RICHARD D		1350 STRONG AVE	LAWRENCE	KS	66044	U08659A	1350 STRONG AVE
MILLSTEIN JOSHUA	AINSWORTH CATHERINE	659 N 1457 RD	LAWRENCE	KS	66049	U08667	1341 STRONG AVE
ASSN OF SIGMA GAMMA PHI BETA		1339 W CAMPUS RD	LAWRENCE	KS	66044	U08639A	1339 WEST CAMPUS RD
OLIVERA ARON E TRUST		2237 TEMPLETON DR	ARLINGTON	TX	76006	U08660	1325 NAISMITH DR
RGAPTS LLC		PO BOX 928	LAWRENCE	KS	66044	U08662A	1500 CRESCENT RD
KAASE KRISTOPHER J	KAASE JANICE	1506 CRESCENT RD	LAWRENCE	KS	66044	U08664	1506 CRESCENT RD
MUNCH STEVEN J	SHELDON-SHERMAN JENNIFER A L	1508 CRESCENT DR	LAWRENCE	KS	66044	U08666A	1508 CRESCENT RD
CHI OMEGA FRATERNITY		PO BOX 572	LAWRENCE	KS	66044	U08641A01	1345 WEST CAMPUS RD
AXIOM-JAYHAWK LLC		7357 HOLLIDAY DR STE 200	KANSAS CITY	KS	66106	U08646A	1420 CRESCENT RD
LERNER STEPHEN TRUSTEE	LERNER HARRIET G TRUSTEE	1509 CRESCENT RD	LAWRENCE	KS	66044	U08679	1509 CRESCENT RD
HAUSHERR BERNARD L		PO BOX 1393	LAWRENCE	KS	66044	U08681	1505 CRESCENT RD
HAUSHERR BERNARD L JR		2037 NEW HAMPSHIRE ST	LAWRENCE	KS	66044	U08682	1503 CRESCENT RD
SCHROEDER THOMAS P	SCHROEDER DEBORAH A	1235 N PARK BLVD	INDEPENDENCE	KS	67301	U08683	1501 CRESCENT RD
UNIVERSITY OF KANSAS		1450 JAYHAWK BLVD RM 245	LAWRENCE	KS	66045	U06183L	1417 CRESCENT RD
UNIVERSITY OF KANSAS	BOARD OF REGENTS OF THE STATE OF KANSAS	1450 JAYHAWK BLVD RM 245	LAWRENCE	KS	66045	U09447A	1500 W 15TH ST





SITE PLAN

LEGEND

	EXISTING ELECTRIC LINE		EXISTING TELEPHONE MANHOLE
	EXISTING GAS LINE		EXISTING POWER POLE
	EXISTING WATER LINE		EXISTING GUY ANCHOR
	EXISTING STORM SEWER PIPE		EXISTING CABLE TELEVISION PEDESTAL
	EXISTING SANITARY SEWER PIPE		EXISTING WATER METER
	EXISTING TRAFFIC SIGNAL LINE		EXISTING TELEPHONE PEDESTAL
	EXISTING TELEPHONE LINE		EXISTING LIGHT POLE
	EXISTING CABLE LINE		EXISTING SANITARY SEWER MANHOLE
	EXISTING TREE		EXISTING SANITARY SEWER CLEANOUT
	EXISTING EDGE OF TIMBER		EXISTING FIRE HYDRANT
	EXISTING STREAM OR DRAINAGE CHANNEL		EXISTING WATER VALVE
	EXISTING FENCE		SURVEY BENCH MARK
			EXISTING WATER METER

OWNER/APPLICANT

AXIOM EQUITIES LLC  
7357 HOLIDAY DRIVE  
KANSAS CITY, KS 66106

ENGINEER

DAVID J. HAMBY, P.E. (KS #15594)  
BG CONSULTANTS, INC.  
1405 WAKARUSA DRIVE  
LAWRENCE, KS 66049  
785.749.4474

LEGAL DESCRIPTION

LOTS 11, 12 AND THE WEST 70 FEET OF LOT 13, UNIVERSITY HEIGHTS ADDITION, AN ADDITION TO THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS

FLOODPLAIN DATA

THE SUBJECT PROPERTY IS LOCATED WITHIN ZONE X, OTHER AREAS (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN). RE: THE FEDERAL EMERGENCY MANAGEMENT AGENCY FEDERAL INSURANCE ADMINISTRATION PUBLICATIONS: FLOOD INSURANCE RATE MAP, MAP NUMBERS 20045C0159D, EFFECTIVE DATE AUGUST 5, 2010.

GENERAL NOTES

- TOPOGRAPHIC INFORMATION SHOWN HEREON WAS DERIVED FROM FIELD TOPOGRAPHY AND CITY OF LAWRENCE AERIAL PHOTOGRAPHY.
- THIS DOCUMENT IS FOR PLAN APPROVAL NOT FOR CONSTRUCTION.
- CITY OF LAWRENCE SHALL NOT BE RESPONSIBLE FOR PAVEMENT DAMAGE DUE TO THE WEIGHT OF REFUSE COLLECTION VEHICLES.
- NO NEW EXTERIOR LIGHTING IS PROPOSED WITH THIS PLAN. CHANGES TO EXISTING LIGHTING SHALL REQUIRE THE SUBMISSION AND APPROVAL OF A PHOTOMETRIC PLAN SUBJECT TO SECTION 20-1103 OF THE LAND DEVELOPMENT CODE.
- PER CITY CODE SECTION 9-902, THE OUTDOOR DINING AREA WILL BE MANAGED TO PREVENT STORMWATER POLLUTION. FOOD WASTE, TRASH, CIGARETTES AND OTHER SOLID WASTES WILL BE COLLECTED AND DISPOSED OF PROPERLY. COLLECTION MUST BE FREQUENT ENOUGH TO PREVENT WASTES CARRIED OFF BY WIND OR STORMWATER RUNOFF. PAVEMENT AND FURNISHINGS MUST BE CLEANED FREQUENTLY ENOUGH TO PREVENT CONTAMINATION OF STORMWATER RUNOFF. FLUID WASTE, INCLUDING WASTEWATER FROM PAVEMENT OR FURNITURE CLEANING, WILL BE COLLECTED AND DISCHARGED TO THE SANITARY SEWER SYSTEM.

BUILDING INFORMATION

COMMERCIAL/MIXED USE  
EXISTING BUILDING, 3-STORY, 7,952 G.S.F.

SITE CHARACTERISTICS TABLE:

EXISTING BUILDINGS	4,038 S.F.	PROPOSED BUILDINGS	4,038 S.F.
EXISTING PAVEMENT	15,451 S.F.	PROPOSED PAVEMENT	15,505 S.F.
EXISTING IMPERVIOUS	19,489 S.F.	PROPOSED IMPERVIOUS	19,543 S.F.
EXISTING PERVIOUS	1,692 S.F.	PROPOSED PERVIOUS	1,638 S.F.
PROPERTY AREA	21,181 S.F.		

PARKING DATA

40 REQUIRED STALLS \*WAIVER REQUESTED TO REDUCE REQUIRED TO 30 STALLS

McCLAIN'S MARKET & DELI  
FAST ORDER FOOD (1 PER 100 SF CSA + 1 PER EMPLOYEE)  
(1,225 SF CSA, 12 EMP.) = 24

ASSEMBLY (1 PER 500 SF)  
(2,565 SF) = 5

RETAIL (1 PER 300 SF)  
(1,414 SF) = 5

NON-GROUND FLOOR DWELLING (1 PER BEDROOM)  
2 APARTMENTS (6 BEDROOMS) = 6

30 PROVIDED STALLS (INC. 2 HC STALLS)

5 REQUIRED BICYCLE PARKING SPACES  
40 STALLS - 1 PER 10 AUTO SPACES OR 5 = 5 REQUIRED  
6 PROVIDED (INVERTED "U" STYLE)

INTERIOR PARKING LOT LANDSCAPING

30 STALLS \* 40 S.F./STALL = 1,200 S.F. REQUIRED  
1,149 S.F. PROVIDED \*WAIVER REQUESTED DUE TO EXISTING CONDITIONS

1 SHADE TREE AND 3 SHRUBS REQUIRED PER 10 PARKING SPACES  
3 TREES AND 9 SHRUBS REQUIRED  
3 SHADE TREES AND 9 SHRUBS PROVIDED FOR INTERIOR PARKING LOT LANDSCAPING

ZONING AND DENSITY

THE CURRENT ZONING FOR THE PROPERTY IS MU.

COMMON NAME	SCIENTIFIC NAME	SYMBOL	SIZE	QTY	MATURE HT.
HOLBERT JUNIPER	JUNIPERUS CHINENSIS 'HOLBERT'		2 GALLON 6" HIGH(min.)	7	2'
KALM HYPERICUM	HYPERICUM KALMIANUM		2 GALLON	3	2'
STATE STREET MAPLE	ACER MIYABEI 'MORTON'		2.5" CALIPER	2	35'
WIRELESS ZELKOVA	ZELKOVA SERRATA 'SCHMIDTLOW'		2.5" CALIPER	3	25'



LOCATION MAP



**McCLAIN'S MARKET AND DELI**  
1420 CRESCENT ROAD, LAWRENCE, KS 66044

SITE PLAN

**BG**  
CONSULTANTS  
architects engineers planners

Project No. 17-1208L  
Date: Apr. 26, 2017  
Revised: May 25, 2017  
SHEET NO.

1





# 10-YEAR PARKING OPERATIONS AND DEVELOPMENT PLAN

## LAWRENCE, KANSAS

### Table of Contents

1. Executive Summary.....	1
2. Introduction .....	2
3. Public Input Process.....	3
4. Existing Conditions – Downtown .....	4
4.1 Study Area .....	4
4.2 Downtown Public Parking Supply.....	5
4.3 Current Utilization of Parking.....	11
4.4 Length of Stay and Turnover Observations.....	17
5. Existing Conditions – Neighborhoods .....	18
5.1 Areas of Focus .....	18
5.2 East Lawrence.....	19
5.3 Neighborhoods Surrounding KU .....	21
6. Existing Parking Operation.....	25
6.1 Oversight .....	25
6.2 Management.....	25
6.3 Enforcement.....	26
6.4 Parking Violation Processing .....	26
6.5 Parking Fees and Fines for Violations.....	27
6.6 Historical Parking Violation Issuance .....	28
6.7 Historical Financial Performance of the Parking System .....	28
7. Future Downtown Parking Demand .....	30
7.1 Anticipated Future Development.....	30
7.2 Near-Term Impact of Development on Future Parking Supply and Demand .....	30
7.3 Long-Term Impact of Development on Future Parking Supply and Demand .....	31
8. Conclusions and Summary of Issues.....	31
9. Operations, Management, Policy, and Physical Improvement Recommendations.....	33
9.1 Purpose of Recommendations .....	33
9.2 Timing of Recommendations .....	33
9.3 Anticipated Cost of Implementation.....	34
9.4 Recommendations .....	34
Appendix 1: Downtown Lawrence Parking Map.....	49
Appendix 2: Downtown Parking Space Inventory by Block and Type .....	50
Appendix 3: Sample Boot and Tow Ordinance .....	51

Appendix 4: Sample Residential Permit Parking Ordinance .....	53
Appendix 5: Characteristics of Public Parking in Comparable Municipalities .....	57
Appendix 6: Sample Parking Lot Reconfiguration/Restriping.....	58

## **Figures**

Figure 1 – Parking Operations and Development Plan Study Area .....	5
Figure 2 – Existing Public Parking Supply by Type .....	6
Figure 3 – On-Street Parking Supply .....	7
Figure 4 – On-Street Spaces by Type .....	8
Figure 5 – Off-Street Public Parking Supply .....	9
Figure 6 – Public Off-Street Spaces by Type .....	11
Figure 7 – Downtown Parking Utilization (AM Peak), Wednesday, January 25 <sup>th</sup> , 2017 .....	13
Figure 8 – Downtown Parking Utilization (PM Peak), Wednesday, January 25 <sup>th</sup> , 2017 .....	14
Figure 9 – KU Neighborhood Parking Utilization (AM Peak), Thursday, January 26 <sup>th</sup> , 2017 .....	24

## **Tables**

Table 1 – On-Street Parking Supply .....	8
Table 2 – Off-Street Parking Supply .....	10
Table 3 – Parking Space Occupancy by Space Type .....	15
Table 4 – Sample Peak Parking Utilization, December 14 <sup>th</sup> , 2016 vs. January 25 <sup>th</sup> , 2017 .....	16
Table 5 – Duration of Stay and Turnover Observations (January 25 <sup>th</sup> , 2017).....	17
Table 6 – Current Metered Parking Rates.....	27
Table 7 – Parking Fine History.....	28
Table 8 – Historical Volume of Overtime Parking Violations Issued.....	28
Table 9 – Financial Performance of the Parking System, 2014 – 2017 .....	29
Table 10 – Anticipated Future Development in Downtown Lawrence.....	30
Table 11 – Parking Operations and Development Plan Recommendations .....	48

## **Exhibits**

Exhibit 1 – Rhode Island Street, Looking North from E. 8 <sup>th</sup> Street.....	20
Exhibit 2 – Rhode Island Street, Looking South from E. 8 <sup>th</sup> Street.....	20
Exhibit 3 – Rhode Island Street, Looking North from E. 12 <sup>th</sup> Street.....	21

**1. EXECUTIVE SUMMARY**

**[THIS PAGE INTENTIONALLY LEFT BLANK]**

## **2. INTRODUCTION**

At the request of the City of Lawrence (“City”), DESMAN Inc. (“DESMAN”) was retained to assist the City with the development of a 10-year operational and development plan for the City’s parking system in the Downtown District (“Downtown”) and residential areas around the Downtown and the University of Kansas (“University” or “KU”) campus. According to the City, the motivation behind this project was the fact that a thorough review and assessment of the City’s entire parking operation had never been conducted, only a limited number of studies related to specific projects or smaller sub-areas of the city. The goal was to develop a plan for improving parking operations in order to address current challenges and to prepare for the impact of potential future development in Downtown.

As is common in many municipalities, management of various parking tasks in Lawrence has been assigned to various departments within the municipal government according to the perceived similarity of tasks within those departments. Parking planning and the development of new parking assets has been placed under Planning and Development Services, as this task is seen as an extension of that department’s natural mission and powers. The Public Works Department, which provides infrastructure, maintenance and engineering services for projects in the City, is responsible for maintenance of the parking facilities, as well as installation and maintenance of parking-related signage. Parks and Recreation maintains landscaping around the parking facilities, as well as sweeping, clearing snow and emptying trash. The Police Department is tasked with enforcement of parking regulations and parking meters repairs, while the Municipal Court, under the supervision of the City Attorney’s Office, handles adjudication of parking violations. While this distribution of workload may seem logical, it can lead to a lack of coordination among the different departments and the lack of an overall vision and long-term strategy for the City’s parking operation. In a similar fashion this distribution limits the potential to implement travel demand management measures.

Downtown Lawrence is developing rapidly, with hundreds of residential units being permitted and constructed over the last 10 years, in addition to infill development of formerly-vacant buildings and the prospects of a grocery store and a conference center on the horizon, among other projects. At this point, it is necessary for the City to prepare its parking system to handle this growth, in addition to becoming more efficient and technologically advanced. Finally, the growth of Downtown and the University has made it necessary to address the impact that these two parking demand generators are having on the surrounding neighborhoods, in order to maintain the quality of life of residents of the City.

To those ends, DESMAN worked in coordination with the City to understand the current parking system and operations, define the challenges facing the City, identify opportunities for improving the operations, and formulate implementable recommendations. In addition to reviewing historical performance data for the parking system and conducting observations of current parking activity, DESMAN held extensive discussions with City personnel affiliated with parking operations, as well as the Project Steering Committee, representatives of the University, and stakeholders from across the City. Stakeholder discussions were conducted over multiple days and included participants from the following groups:

- Downtown business owners and operators;
- Downtown residents;
- Owners and operators of event venues within the study area;
- Property developers, and;

- Residents and business owners from the neighborhoods within and immediately bordering the study area.

The following report presents the results of this work effort, which draws on existing data and City and community input, as well as best practices from the parking industry.

### **3. PUBLIC INPUT TO THE PROCESS**

As is typical of our approach to this type of project, the first step toward developing a long-term plan for parking in Lawrence was to become intimately acquainted with the project study area through firsthand exploration of the area, review of prior and associated efforts, and in-depth discussions with City personnel and constituents. Once a basic understanding of market conditions was established, a series of discussions were had with concerned constituents and stakeholders, following a “listen-confirm-respond” format.

Throughout the public process, DESMAN engaged in a program of constant analysis and assessment, developing potential solutions to issues as they were identified and quantified, testing those in internal meetings with the city staff and steering committee members and then with stakeholders through the public engagement process. Those solutions which appeared to have viable support were then further refined, including preliminary cost/benefit assessments to quantify fiscal impact.

During the process of formulating the Parking Operations and Development Plan for the City of Lawrence, public input on parking in the city was gathered by a variety of means, including: sit-down discussions with various stakeholder groups, telephone calls with institutional stakeholders, public discussion at a meeting of the Lawrence City Commission, and an online survey accessible by residents of and visitors to Lawrence. Based on the input received, the following issues were identified for further study/consideration:

- A lack of long-term parking in certain areas of Downtown may be inhibiting employment growth
- New residential development in Downtown has led to parking issues in bordering neighborhoods, as a result of zoning code which does not require developments in the Downtown District to provide on-site parking
- Available parking spaces are frequently difficult to locate on/near Massachusetts Street, with meter feeding by owners/employees of businesses contributing to the lack of available parking
- Metered and timed parking is difficult/labor-intensive to enforce, given the City’s use of outdated technology
- Significant numbers of parkers frequently violate parking rules, resulting in nearly 100,000 parking citations issued annually
- KU students living near campus, as well as students, faculty, staff, and construction workers commuting to campus on a daily basis, often completely fill the available on-street parking spaces in the neighborhoods surrounding campus, making parking extremely difficult for other area residents
- Oread business owners are skeptical of the benefits of residential permit parking and worried about the potential downside for their businesses
- Lighting levels in some of the parking lots and the New Hampshire Garage make the facilities feel unsafe at times

- There is a desire among some citizens for a circulator bus in Downtown to make it easier for visitors and residents of the city to visit multiple destinations, without having to drive or to move their cars if they do drive
- Increasing residential density in the vicinity of Lot 8 has led to increasing conflicts with the Lawrence Farmers' Market, leading to calls to find a permanent home for the Market in a different Downtown location
- The City does not have a reserve fund established to fund future parking facility and equipment repair and replacement needs

The analysis and Plan which follow attempt to address the above issues, while factoring in observed levels of parking utilization and anticipated new development in Downtown.

Two issues for which recommendations have not been developed as part of this Plan are: 1) creation of a Downtown circulator bus and 2) establishment of a permanent location for the Lawrence Farmers' Market. In terms of improving the operation of the City's public parking assets, the lack of a clear geographical parking deficiency in Downtown, along with the potential cost of operating a circulator bus, led DESMAN to focus our efforts on developing other, more-effective and less-costly methods for improving public parking in Downtown Lawrence. Additionally, with the upcoming Downtown Master Plan set to tackle the issue of ideally locating the Lawrence Farmers' Market, it was determined that the focus of this effort should be on accommodating existing and future parking demand and not on selecting a specific location for the Market.

#### **4. EXISTING CONDITIONS – DOWNTOWN**

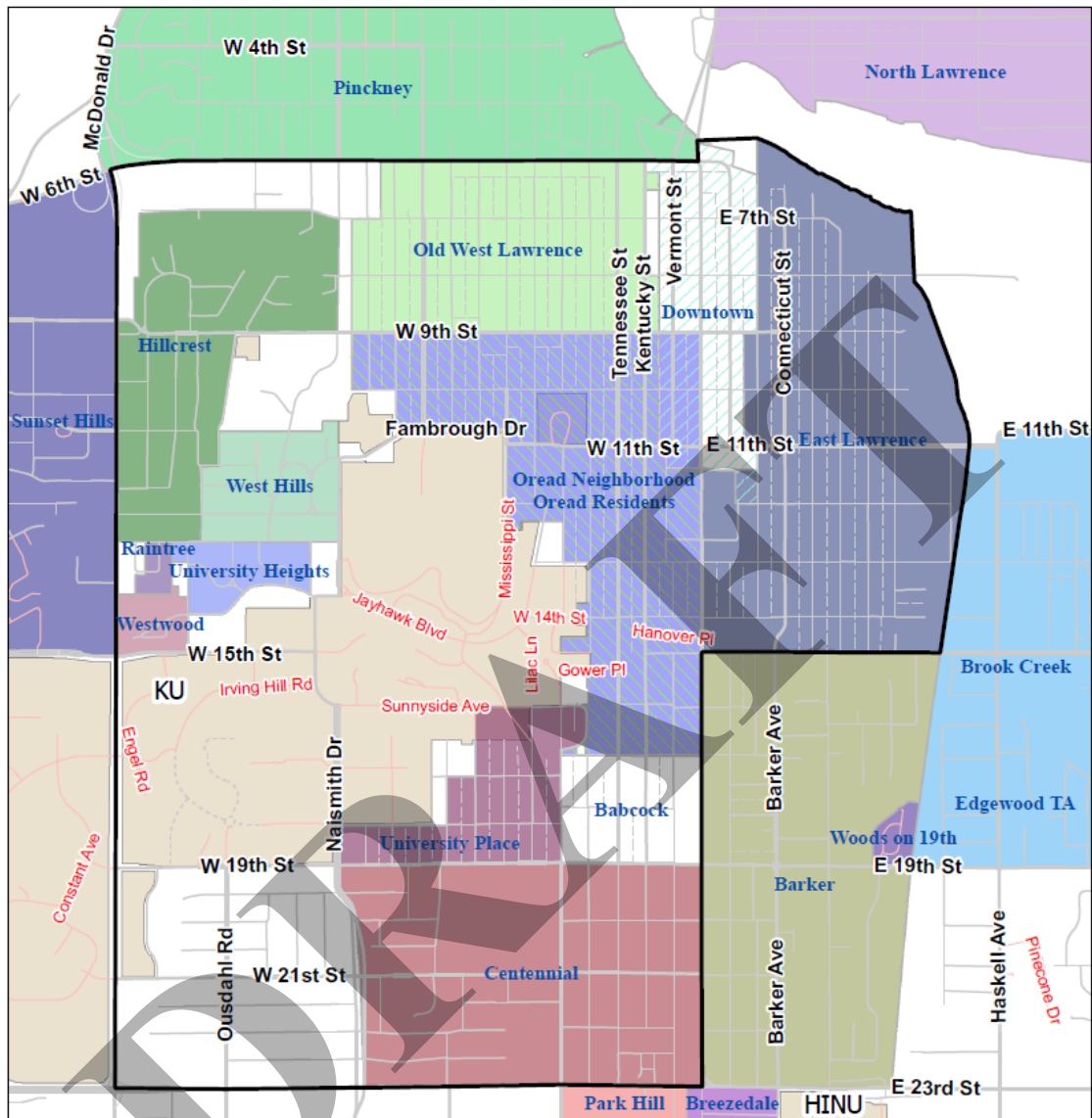
##### **4.1 Study Area**

The study area for this project was chosen based on the desire to evaluate and improve parking in both Downtown and the neighborhoods bordering Downtown and the KU campus. Downtown Lawrence has begun to experience the parking-related issues of a modern urban center, due to increasing density and development. As a result of this growth, as well as the ongoing growth of the University, the mostly-residential neighborhoods bordering these two areas have experienced increased parking demand on their residential streets. Given the impact that these high-growth areas have on the surrounding residential neighborhoods, it was necessary that the study area encompass these independent, but interconnected parts of the City.

In general, the study area is bounded by 6<sup>th</sup> Street on the north, Oregon Street on the east, 23<sup>rd</sup> Street on the south, and Iowa Street on the west, excluding both the University of Kansas campus and the Barker neighborhood. While these streets form the basic boundaries of the study area, there are deviations from this boundary which allow specific blocks to be included or excluded from this study.

**Figure 1** shows the boundaries of the study area, as provided in the City's Request for Proposals for this project. In addition, this figure identifies the neighborhood associations located within the study area, the portions of the study area not organized into neighborhood associations and the boundaries of the KU campus.

**Figure 1 – Parking Operations and Development Plan Study Area**



Source: City of Lawrence

## 4.2 Downtown Public Parking Supply

The supply of parking in Downtown Lawrence that is the focus of this study consists of on-street (curbside) spaces, public surface lots and City-owned parking garages. While there are a small number of private surface lots and two private garages in Downtown, these are dedicated for exclusive use by certain groups, such as customers of a certain business or employees working or tenants living in a particular building and, as such, were not included in the inventory of public parking.

For the purposes of this study, on-street spaces are a combination of metered and handicapped spaces; unrestricted spaces on Rhode Island Street and Kentucky Street were not considered in the downtown public parking supply. The City's surface parking lots and parking garages contain a combination of metered, time-restricted and handicapped spaces, as well as numbered spaces controlled by pay-by-space



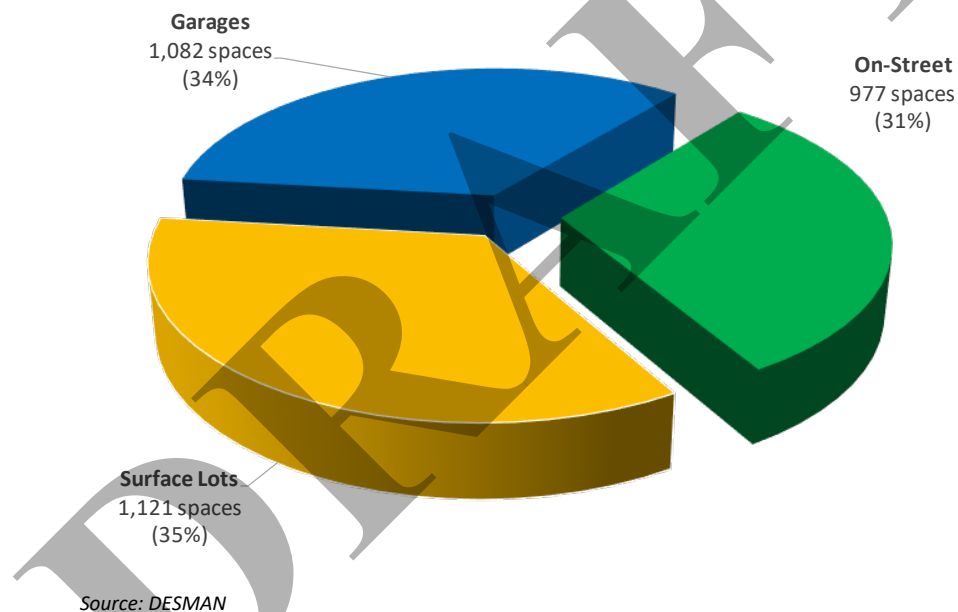
payment kiosks. Additionally, a number of these off-street parking facilities contain spaces that are dedicated for use only by certain groups, such as hotel guests and employees, private businesses, City vehicles, and County vehicles. When discussing the utilization of the public parking inventory, these dedicated spaces were excluded from the analysis.

In total, the existing supply of parking within the Downtown portion of the study area is 3,378 spaces, of which 3,180 spaces are available for public parking (977 on-street and 2,203 off-street). The breakdown of spaces is as follows:

- 982 On-Street Spaces (977 public)
- 1,127 Spaces in 16 Surface Lots (1,121 public)
- 1,269 Spaces in 3 Garages (1,082 public)

**Figure 2** presents the breakdown of the public parking supply by type.

**Figure 2 – Existing Public Parking Supply by Type**



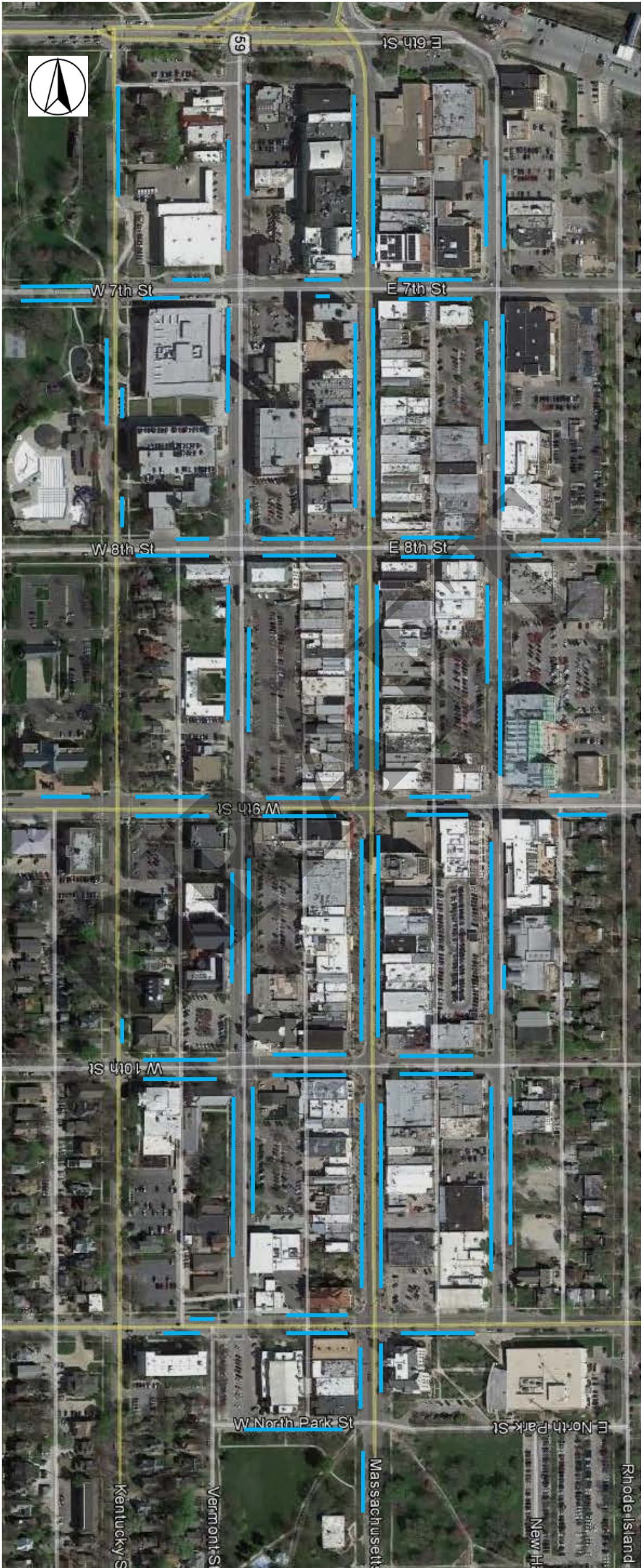
#### 4.2.1 On-Street Parking

On-street public parking in Downtown Lawrence is a combination of metered spaces, spaces signed for handicapped parking only, spaces reserved for City vehicles, one taxi parking space, and unmetered spaces. Each on-street parking meter controls one space and parking time can only be paid for with coins. Additionally, there are five different parking meter time limits: 15-minutes, 30-minutes, 2-hours, 5-hours, or 10-hours.

For ease of readability, **Figure 3** was created to show, generally, the locations of the on-street parking spaces in Downtown. The City produces a more detailed map which shows the locations of every parking space in Downtown Lawrence, including the associated parking restriction, which can be found in the Appendix to this document. Additionally, the full inventory of on-street parking spaces, by block and restriction, can also be found in the Appendix.



Figure 3 – On-Street Parking Supply



Source: DESMAN



As shown in the figure, on-street parking occupies nearly every block face in Downtown. Additional detail regarding the number of each type of on-street space is provided in **Table 1**.

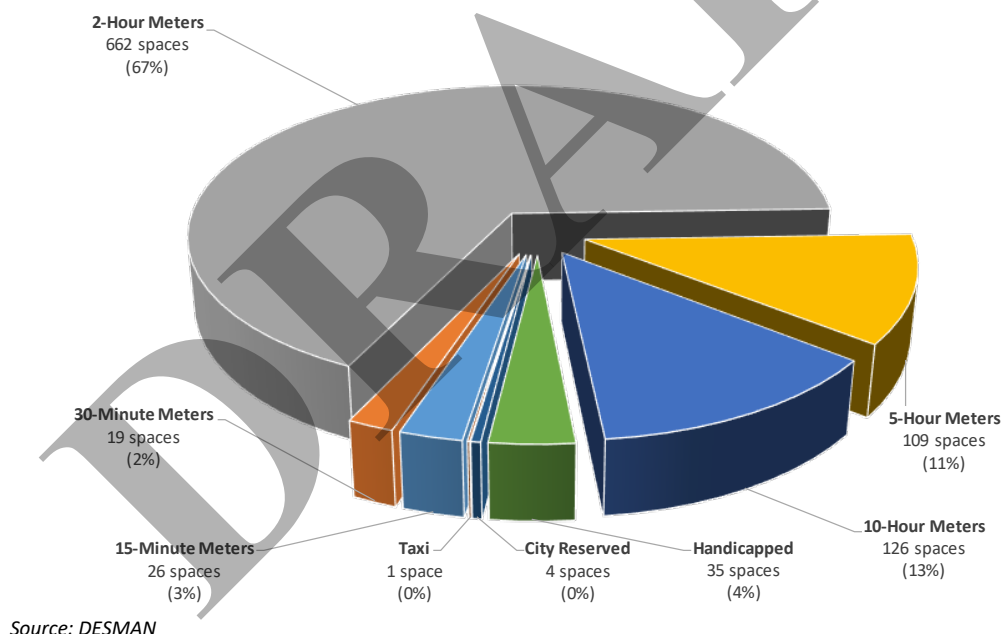
**Table 1 – On-Street Parking Supply**

Type of Space	Inventory
15-Minute Meters	26
30-Minute Meters	19
2-Hour Meters	662
5-Hour Meters	109
10-Hour Meters	126
Handicapped	35
<b>Total Public Parking</b>	<b>977</b>
City Reserved	4
Taxi	1
<b>Total On-Street Parking</b>	<b>982</b>

Source: DESMAN

**Figure 4** shows the breakdown of on-street spaces by type and the percentage of each type of space.

**Figure 4 – On-Street Spaces by Type**



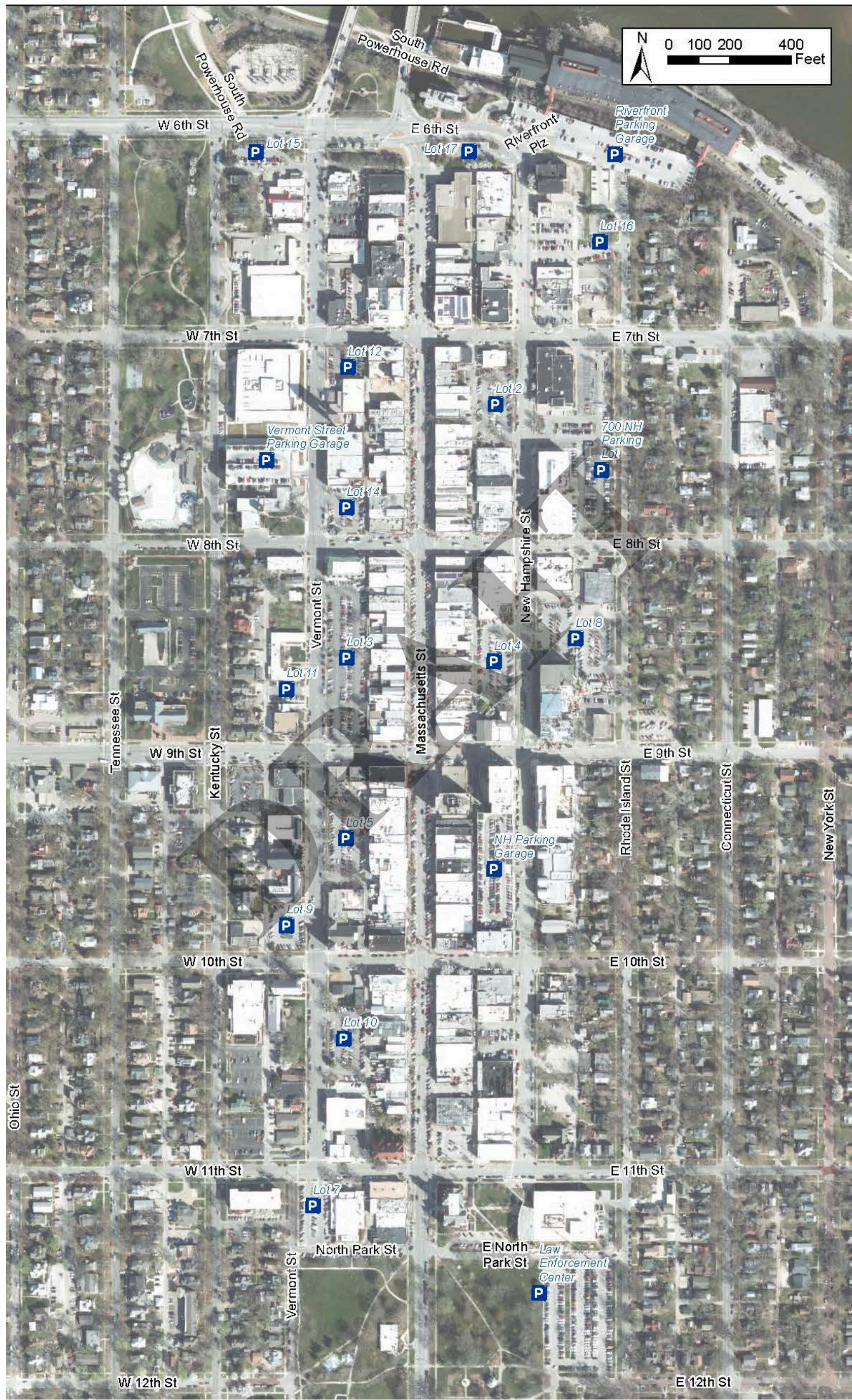
Of the 982 on-street spaces examined in Downtown Lawrence, 897 spaces are controlled with a 2-, 5- or 10-hour meter, or about 91% of the total on-street spaces.

#### 4.2.2 Off-Street Parking

Public off-street parking spaces are located in a combination of surface parking lots and garages, all of which are owned by the City, with the exception of the Law Enforcement Center Lot which is owned by Douglas County. In total, there are 2,199 off-street spaces available for public parking. **Figure 5** shows the locations of the off-street public parking supply in Downtown Lawrence.



Figure 5 – Off-Street Public Parking Supply



Source: City of Lawrence



**Table 2** shows the total parking spaces in each facility, as well as detailed breakdowns of the public versus private spaces and the different types of spaces within each facility. The facility names in the table correspond to the map in Figure 5.

**Table 2 – Off-Street Parking Supply**

Facility Name	Total Parking Inventory	Private Parking Spaces				Total Public Parking Supply	Public Parking Spaces						
		Reserved Hotel	Hotel ADA	Reserved Private	City or County Reserved		2-Hour Meters	10-Hour Meters	ADA Spaces	2-Hour Free	10-Hour Free	2Hr/10Hr Free	10-Hour Paid <sup>1</sup>
Lot #2	71					71			2	69			
Lot #3	166					166			6	160			
Lot #4	85					85		16	3	66			
Lot #5	81					81			4	77			
Lot #7	46				1	45	8	34	3				
Lot #8	101					101		96	5				
Lot #9	38					38		36	2				
Lot #10	65					65		29	3	33			
Lot #11	21				2	19		17	2				
Lot #12	27					27			1	26			
Lot #14	36					36			2	34			
Lot #15	36					36		35	1				
Lot #16	43					43		43					
Lot #17	25					25	23		2				
700 New Hampshire Lot	61					61	10	25	4				22
Law Enforcement Center Lot	225				3	222	14		3		205		
New Hampshire Garage	489			13	11	465			16	90	132	102	125
Riverfront Garage	468	109	4		42	313			11	68		47	187
Vermont Street Garage	312			6	2	304			9	92	73		130
<b>TOTALS</b>	<b>2,396</b>	<b>109</b>	<b>4</b>	<b>19</b>	<b>61</b>	<b>2,203</b>	<b>55</b>	<b>331</b>	<b>79</b>	<b>715</b>	<b>410</b>	<b>149</b>	<b>464</b>

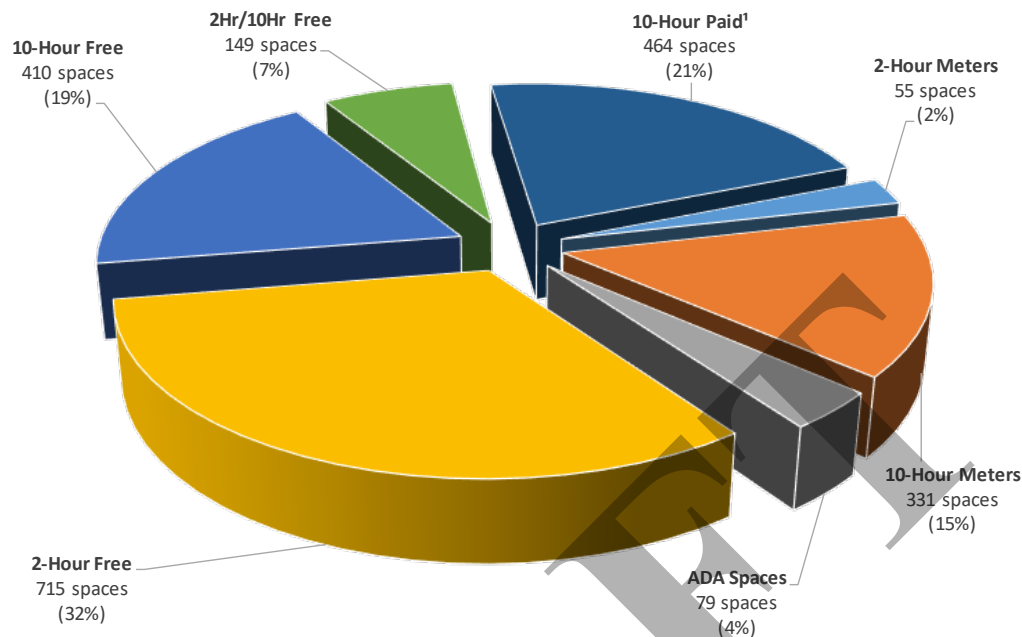
1) These spaces are for monthly permit holders or daily parkers using pay-by-space kiosks, depending on the facility.

Source: DESMAN

While there is a total of 2,396 parking spaces in the off-street facilities, 2,203 of those spaces are available for public use. The remaining 193 spaces are reserved for specific user groups, including the City and Douglas County, as well as private entities that have negotiated agreements with the City.

As shown in **Figure 6**, approximately 61% (1,353 of 2,203 spaces) of the public off-street spaces can be used for free, while the remaining 39% are paid spaces controlled by single-space meters or, in the case of 10-hour paid spaces in the parking garages, controlled by electronic pay-by-space payment kiosks or hangtag parking passes. In addition, not counting the Handicapped spaces, approximately 40% of the public off-street spaces are 2-hour spaces and 60% are 10-hour spaces.

**Figure 6 – Public Off-Street Spaces by Type**



Source: DESMAN

#### 4.2.3 Private Parking

In addition to the 132 private parking spaces located in public parking facilities (shown in Table 2), the balance of the private parking spaces in Downtown are located in a number of small surface lots, as well as two small garages. In all cases, these private parking facilities are dedicated to specific user groups, typically employees and patrons of a particular business or religious institution or, in the case of the two parking garages, residents of a particular apartment building or hotel guests. In total, there are approximately 1,260 private surface lot spaces and 100 spaces in each of the two private garages.

Aside from these parking facilities that are dedicated to private uses, there is one surface parking lot in Downtown that was identified as being privately-owned, but allowing public parking. Located at the corner of Massachusetts Street and E. 11<sup>th</sup> Street, this 33-space surface lot allows monthly parking by permit only, at a cost of \$7.00 per month.

The City's detailed map of public parking (included in the Appendix) also shows the locations of the private parking spaces in Downtown.

#### 4.3 Current Utilization of Parking

Parking utilization or occupancy is a common measure for determining the adequacy of a City's parking supply. By documenting the utilization of spaces during various periods of time, it is possible to determine the peak demand period and the extent to which different types of parking spaces are used. Ultimately, the analysis of existing parking demand can be used as the basis for evaluating the current adequacy of the parking supply, as well as the anticipated adequacy of the parking supply in the future, based on projected growth and development in Downtown Lawrence.

In order to develop an understanding of the parking demand conditions in Downtown Lawrence, occupancy surveys of public parking spaces, both on- and off-street, were conducted in December 2016 and January 2017. The December surveys were conducted by the City's Parking Control Officers on Wednesday the 14<sup>th</sup>, with the aim of documenting typical parking demand during the holiday season for a sampling of spaces; December parking demand tends to be significantly higher than typical peak demand periods in vibrant downtowns. January's occupancy surveys were conducted through a joint effort of the City and the Consultant on Wednesday the 25<sup>th</sup>. This day was identified by the City as characteristic of a typical day in Downtown Lawrence when KU is in session, not during the holidays or an exam week.

At the outset of this project, the City identified weekdays during normal business as the time when parking demand is at its peak and localized parking shortages occur in Downtown. As a result, in consultation with the City, it was determined that evening and weekend occupancy surveys were not necessary in order to gain an understanding of typical peak demand conditions. However, observations of evening parking activity were made throughout the course of this project, the results of which were factored into the recommendations for improving the City's parking operation.

#### 4.3.1 January (Typical) Parking Utilization

The pattern of parking utilization on a weekday in most downtowns consists of increasing utilization in the morning toward a peak, typically between 10AM and 2PM, with a steady decline in utilization as the daytime moves to evening. Additionally, the peak day of the week is typically a Tuesday, Wednesday or Thursday, as more employees tend not to work on Mondays and Fridays than the other days of the week. In the case of Lawrence, per the City, the impact of the KU population on Downtown causes parking demand to peak when classes are in session. These factors guided the selection of the date and day of the week chosen for the Downtown Lawrence parking surveys.

On Wednesday, January 25<sup>th</sup>, 2017, occupancy surveys of the public parking spaces within the Downtown study area were conducted from 10AM to 11AM and 1PM to 2PM. These survey periods were chosen in consultation with the City, based on the typical patterns of utilization which occur on weekdays, in order to capture the peak demand periods.

The survey data of utilization by parking facility and on-street block face for both the morning and afternoon peak periods is presented in **Figures 7 and 8**, respectively.



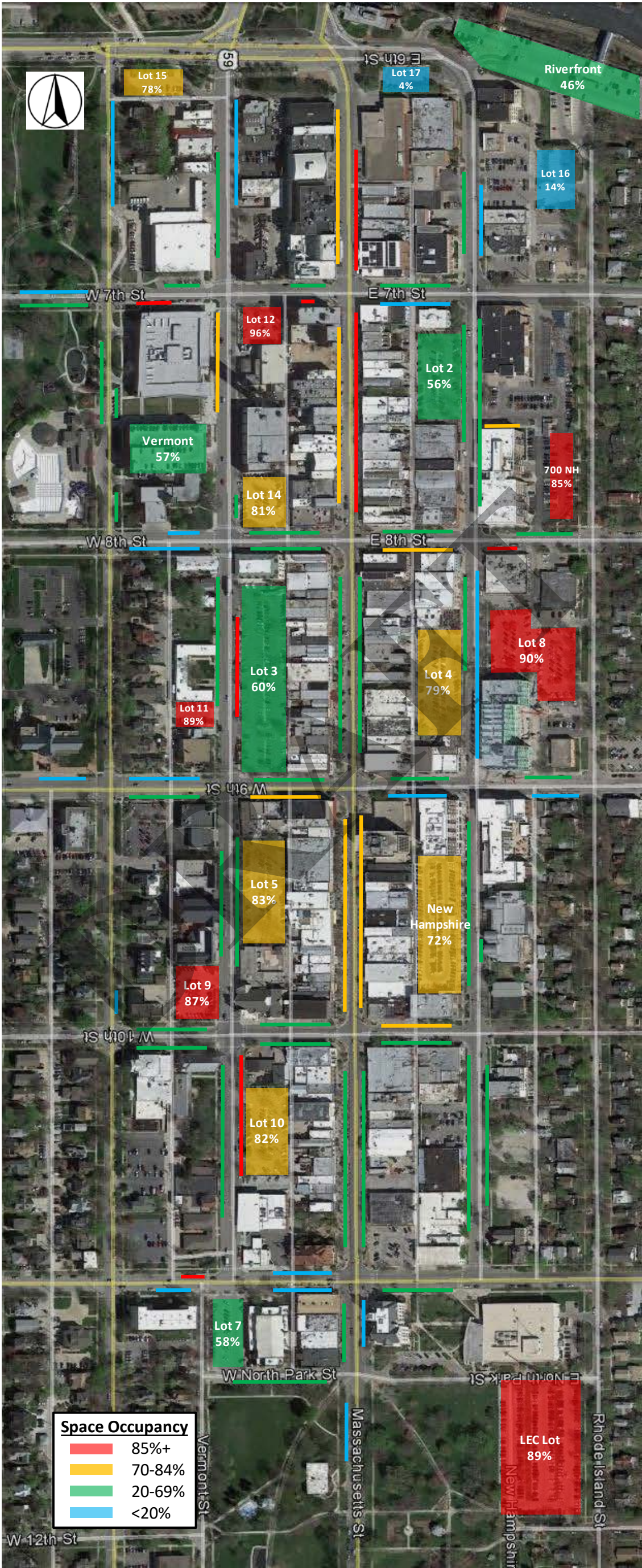
Figure 7 – Downtown Parking Utilization (AM Peak), Wednesday, January 25<sup>th</sup>, 2017



Source: DESMAN; City of Lawrence



Figure 8 – Downtown Parking Utilization (PM Peak), Wednesday, January 25<sup>th</sup>, 2017



Source: DESMAN; City of Lawrence



The off-street parking facilities and metered, on-street block faces were highlighted in the figures to indicate the percentage of spaces in each that were occupied at the time of the surveys: **RED** for 85% or more, **ORANGE** for 70-84%, **GREEN** for 20-69%, and **BLUE** for less than 20%. In the parking industry, parking facilities and systems are typically designed so that, even during peak demand periods, some percentage of the parking spaces remain empty. Ideally, during a typical peak demand period, 15% of the spaces in a facility or on-street remain available to accommodate new parkers. Maintaining an inventory of available spaces, even during the peak demand period, makes it easier for parkers to find a space, reduces the amount of time drivers spend searching for empty spaces and generally results in a more positive parking experience. This concept, referred to as “practical capacity”, refers to that point at which a parking facility or system has reached its functional limit and is unable to efficiently or safely accommodate additional parking demand.

As seen in Figure 7 above, during the morning survey period, lots 11, 12, and 15, as well as the Law Enforcement Center Lot and 700 New Hampshire Lot, experienced utilization of 85% or more of their parking spaces. Additionally, a number of block faces along Vermont Street, W. 7<sup>th</sup> Street and E. 8<sup>th</sup> Street were also highly utilized. While five additional off-street facilities were more than 70% occupied, the remaining surface lots, along with two of the three garages and nearly all of the remaining on-street, metered spaces were less than 60% occupied during the morning survey. Overall, the public parking supply within the Downtown study area was 52% occupied.

During the afternoon survey period (see Figure 8 above), lots 8, 9, 11, and 12, as well as the Law Enforcement Center Lot and 700 New Hampshire Lot, experienced utilization of 85% or more of their parking spaces. In addition to the Vermont Street, W. 7<sup>th</sup> Street and E. 8<sup>th</sup> Street block faces that were also highly utilized in the morning, the meters on two large block faces of Massachusetts Street were more than 85% occupied during the afternoon survey period. Also during this survey period, six off-street facilities were more than 70% occupied, as well as additional segments of Massachusetts, Vermont, 8<sup>th</sup>, 9<sup>th</sup>, and 10<sup>th</sup> streets. Overall occupancy of public parking reached 62% during the afternoon survey period. Both the morning and afternoon peak period survey data indicate that there is likely a perceived lack of parking in Downtown, as opposed to an actual lack of available spaces.

**Table 3** presents the January survey data summarized by type of parking space.

**Table 3 – Parking Space Occupancy by Space Type**

Type of Space	Inventory	AM Occupancy	AM % Occ.	PM Occupancy	PM % Occ.
15-Minute Meters	26	1	4%	8	31%
30-Minute Meters	19	8	42%	6	32%
2-Hour Meters	717	225	31%	361	50%
5-Hour Meters	109	64	59%	65	60%
10-Hour Meters	457	315	69%	318	70%
Handicapped	114	22	19%	27	24%
2-Hour Free	715	385	54%	520	73%
10-Hour Free	410	339	83%	370	90%
2-/10-Hour Free	149	78	52%	86	58%
10-Hour Paid	464	229	49%	217	47%
<b>TOTAL</b>	<b>3,180</b>	<b>1,666</b>	<b>52%</b>	<b>1,978</b>	<b>62%</b>

Source: DESMAN

As shown in the table, the most highly occupied type of public parking space during both the morning and afternoon survey periods were the free 10-hour spaces, followed by the 10-hour metered spaces. These results suggest that, during the daytime on weekdays, the demand for long-term parking may warrant adjustments in the supply of parking spaces to provide more long-term spaces.

#### 4.3.2 December (Holiday) Parking Utilization

In order to present a fair comparison between the January and December utilization data, **Table 4** shows the sample data from the afternoon of Wednesday, December 14<sup>th</sup>, side-by-side with the utilization data that same group of spaces gathered on the afternoon of Wednesday, January 25<sup>th</sup>.

**Table 4 – Sample Peak Parking Utilization, December 14<sup>th</sup>, 2016 vs. January 25<sup>th</sup>, 2017**

Location/Facility	Public Parking Inventory	DEC. 14 PM PEAK	DEC. 14 PM PEAK %	JAN. 25 PM PEAK	JAN. 25 PM PEAK %
700 Massachusetts (east)	37	32	86%	34	92%
700 Massachusetts (west)	36	35	97%	27	75%
800 Massachusetts (east)	36	21	58%	19	53%
800 Massachusetts (west)	36	20	56%	21	58%
900 Massachusetts (east)	37	25	68%	27	73%
900 Massachusetts (west)	36	26	72%	26	72%
Lot #2	71	64	90%	40	56%
Lot #3	166	135	81%	100	60%
Lot #4	85	69	81%	67	79%
Lot #5	81	44	54%	67	83%
Lot #8	101	70	69%	91	90%
New Hampshire Garage	465	318	68%	337	72%
Vermont Garage	304	201	66%	173	57%
	<b>1,491</b>	<b>1,060</b>	<b>71%</b>	<b>1,029</b>	<b>69%</b>

Source: DESMAN

When comparing the December and January utilization data, there is not a significant difference in the overall peak demand for this sample group of public parking spaces. In December, 71% (1,060 spaces) of the 1,491 spaces surveyed were occupied, while 69% (1,029 spaces) of the sample group of spaces were occupied in January.

Despite the fact that the December survey occurred during KU's Fall Semester final exams, the numbers indicate that there was not a decrease in the demand for parking in Downtown. This phenomenon could be attributable to increased demand from holiday shoppers counteracting the decrease in demand for parking from KU students, faculty and staff. Alternatively, these numbers could indicate that Downtown does not experience increased demand for parking during the holiday season and that the demand generated by the KU population remained steady during finals week. Given the fact that less than half of the public parking spaces in Downtown were surveyed in December 2016 and considering that this table compares only two days-worth of parking data, it is impossible to know why there was not the expected variation in the utilization of parking between the time periods.

#### 4.4 Length of Stay and Turnover Observations

*Utilization*, the measure of the number of cars parked at a given time against the capacity of a facility or area, is one measure of activity within a parking system and provides insight into which facilities may be over- or underused. However, counting cars at a few fixed points in time provides no insight into the volume of vehicles coming in and out of a facility or area. With this type of survey, it is impossible to know if the utilization levels recorded in the field reflect hundreds of cars coming in and out of a facility or a smaller number of cars remaining parked for the entire day. Length of stay and turnover surveys provide this additional level of detail.

Length of stay and turnover of spaces is of particular concern in downtowns when analyzing curbside parking. On-street spaces are the most coveted, especially by first-time or infrequent visitors, as it allows parkers to locate a destination first, then park within sight of the establishment or institution which drew them downtown. Ensuring that on-street spaces are used by shorter-duration parkers (i.e. non-employees) will encourage turnover of these spaces, so that Downtown patrons and visitors can more easily find a parking space near their destination, be accommodated, and conduct commerce within the central business district.

In order to address concerns voiced by a number of stakeholders in Downtown Lawrence about employees of Downtown businesses parking all day in the most-convenient on-street spaces, sample length of stay and turnover surveys were conducted on Massachusetts Street. Each hour from 10AM to 2PM on the January survey day, the license plates of every vehicle parked along Massachusetts Street from E. 6<sup>th</sup> Street to South Park Street were recorded. This time period was chosen based on the rationale that, if vehicles were parking in the same space all day, they would be parked for the entire length of the survey period. This methodology made it possible to identify the specific vehicle parking in every space throughout the course of the day. The data was then analyzed to determine how many cars parked in each space during the survey day and how long each vehicle was parked in the space.

During the surveyed time period, a total of 690 vehicles parked in the 366 parking spaces on Massachusetts Street. The average duration of stay and turnover characteristics documented are presented in **Table 5**.

**Table 5 – Duration of Stay and Turnover Observations (January 25<sup>th</sup>, 2017)**

Street Segment (Side)	Inventory	Hours Parked per Car				Total Parked Cars	Average Duration (Hours)	Average Turnover
		1 Hour	2 Hours	3 Hours	4 Hours			
6th - 7th	57	100	13	3	1	117	0.84	2.05
7th - 8th	73	137	25	3	1	166	0.83	2.27
8th - 9th	72	114	10	1	1	126	0.89	1.75
9th - 10th	73	145	22	1	1	169	0.86	2.32
10th - 11th	70	85	10	2	1	98	0.85	1.40
11th - North Park	13	14	0	0	0	14	1.00	1.08
North Park - South Park	8	0	0	0	0	0	-	-
TOTALS	366	595	80	10	5	690	0.86	1.89

Source: DESMAN

The average vehicle remained parked for less than one hour (0.86 hours) and each space turned over an average of slightly less than two times (1.89 times). Additionally, of the 690 total parked cars, only 15

(~2%) remained parked beyond the 2-hour time limit imposed by the meters; only 5 cars (<1%) were parked in the same space for the entire survey period.

This data suggests that, despite assertions that employees of Downtown businesses park all day on Massachusetts Street, occupying the most-convenient parking spaces that should be serving customers, that may not actually be the case. However, it is important to keep in mind that this data represents only one day of parking activity and that all-day parking by employees may be an issue during other times of the year or on other days of the week.

## **5. EXISTING CONDITIONS – NEIGHBORHOODS**

### **5.1 Areas of Focus**

Aside from Downtown Lawrence, as shown previously in Figure 1, the study area for this project encompasses a number of neighborhoods surrounding Downtown and the University of Kansas campus. Specifically, the areas governed by the following neighborhood associations were examined during the course of this project:

- Centennial
- East Lawrence
- Hillcrest
- Old West Lawrence
- Oread Neighborhood
- Oread Residents
- Raintree
- University Heights
- University Place
- West Hills
- Westwood

There were also a number of areas within the larger study area that are not part of a neighborhood association, but were also examined during this project.

In speaking with City officials, as well as residents and other stakeholders of the various neighborhoods, in general, there appear to be two distinct groups within the study area: 1) the neighborhoods most impacted by activity in Downtown and 2) the neighborhoods most impacted by the activities of the University. Based on discussions, the parking issues experienced in the East Lawrence neighborhood have occurred as a result of increased Downtown development and revitalization, while the rest of the neighborhoods within the study area experience parking issues primarily related to University-generated parking demand.

Given the unique challenges facing both of these groups, the discussion and analysis presented below focuses separately on the East Lawrence neighborhood and the neighborhoods surrounding the KU campus.

## 5.2 East Lawrence

The East Lawrence neighborhood encompasses the area bounded generally by Rhode Island Street on the west, E. 15<sup>th</sup> Street on the south, Oregon Street on the east, and the Kansas River to the north; the southern end of the neighborhood extends farther west to Massachusetts Street, just south of the Downtown neighborhood. Directly bordering Downtown on the east and the south, East Lawrence is, for the most part, a residential area consisting primarily of single-family residences. Spread throughout the neighborhood are a number of places of worship, as well as New York Elementary School and Liberty Memorial Central Middle School. A limited number of businesses also operate in the neighborhood, with most of the activity concentrated north of E. 10<sup>th</sup> Street and east of Connecticut Street.

A significant proportion of the residential properties in the East Lawrence neighborhood do not have driveways leading to their garages or other parking spaces on their property. Access to off-street parking spaces is typically achieved using alleys that run parallel to the north-south streets, located behind the houses. In some instances, however, properties do not have any on-site parking spaces. For these residences, the only parking option within close proximity is the curb front area of the neighborhood's streets.

Historically, according to residents who attended the stakeholder interview sessions held at the beginning of this project, finding an available parking space on-street in front of or very near to a particular residence was typically not an issue. There were exceptions to this, such as during large events Downtown or KU sporting events, but, for the most part, open parking spaces could always be found. However, with increased development in Downtown over the past several years, many residents of the East Lawrence neighborhood have seen significant and consistent parking issues develop in their neighborhood.

The most significant issue identified by East Lawrence residents was a lack of available parking on several blocks of Rhode Island Street. According to the residents, Downtown workers and residents, along with construction crews working on projects on New Hampshire Street, park all day on Rhode Island, occupying all of the parking spaces from E. 6<sup>th</sup> Street to E. 9<sup>th</sup> Street; this area also experiences issues on weekend nights when restaurant and bar patrons park in the neighborhood and walk to their destinations. Additionally, parkers that cannot be accommodated in the Law Enforcement Center Lot, due to the lot's consistently high utilization, are forced onto the surrounding streets, often completely filling the spaces on Rhode Island between E. 11<sup>th</sup> and E. 12<sup>th</sup> streets.

**Exhibits 1, 2 and 3** are photographs taken of several block faces of Rhode Island at 2:30PM on Wednesday, January 25<sup>th</sup>, 2017. These photographs show that nearly all of the parking spaces in these blocks are occupied, at a time of day when one would expect to see low levels of parking activity on this mostly-residential street.



**Exhibit 1 – Rhode Island Street, Looking North from E. 8<sup>th</sup> Street**

---



Source: DESMAN

**Exhibit 2 – Rhode Island Street, Looking South from E. 8<sup>th</sup> Street**

---



Source: DESMAN

**Exhibit 3 – Rhode Island Street, Looking North from E. 12<sup>th</sup> Street**



Source: DESMAN

It is worth noting that parking is only permitted on the east side of Rhode Island Street from E. 6<sup>th</sup> to E. 9<sup>th</sup> streets.

In addition to the above photographs, observations made over the course of this study confirmed that the on-street parking spaces on Rhode Island from E. 6<sup>th</sup> to E. 9<sup>th</sup> streets and E. 11<sup>th</sup> to E. 12<sup>th</sup> streets remain nearly 100% utilized throughout the day on weekdays. It was also indicated by several residents of the E. 6<sup>th</sup> to E. 9<sup>th</sup> section of Rhode Island that this level of utilization also occurs regularly on weekend evenings, likely the result of parking by Downtown residents and patrons of the Downtown's bars and restaurants.

Despite the localized parking problems on Rhode Island Street, both the residents of the East Lawrence neighborhood and independent observations of the area confirm that, at the present time, no other significant or widespread parking problems occur in this neighborhood on a regular basis. However, as development continues in Downtown, including several new projects currently under construction or in the planning phases immediately adjacent to East Lawrence, the parking problems currently experienced on Rhode Island Street are likely to push further into the East Lawrence neighborhood.

### **5.3 Neighborhoods Surrounding KU**

The size and location of the KU campus means that several different neighborhoods border or are in close proximity to campus and are significantly impacted by the demand generated by the campus. The following neighborhoods are located within the study area and either directly border the KU campus and/or are impacted by the parking demand generated by KU:

- Westwood
- University Heights
- Raintree

- West Hills
- Hillcrest
- Oread
- Babcock
- University Place
- Centennial
- Schwegler

Each day during the school year, thousands of students, faculty, staff, and visitors come to the KU campus. While the campus itself contains over 13,500 parking spaces, parkers must purchase a permit or pay by the hour in order to park anywhere on campus. Alternatively, parking on the streets surrounding the campus is free. As a result, every school day, the residential streets in the neighborhoods surrounding KU, especially to the south and east of campus, fill with vehicles of people going to KU. This daily parking demand is in addition to residential parking demand from the neighborhoods themselves, with many residents forced to park on-street due to a lack of driveways in many of the neighborhoods. On the south side of campus, ongoing construction has not only eliminated on-campus parking spaces, but has also brought additional demand to campus in the form of construction workers, further exacerbating the problem.

Several of the neighborhoods surrounding campus, including University Heights, Westwood, Raintree, and West Hills, currently have on-street parking restrictions in place which prevent parking during the daytime on weekdays. These restrictions successfully prevent the weekday, daytime parking issues experienced by the neighborhoods to the south, east and north of campus. Making the on-street restrictions workable for the residents of these neighborhoods is the fact that all or nearly all of the houses in these areas have dedicated driveways. This is not the case in other neighborhoods.

All of the neighborhoods in this area of the City are impacted by the unusually high volumes of vehicles generated by KU basketball and football games. These events bring enormous volumes of vehicles to the City, creating widespread parking issues.

In addition to the above parking issues, the stakeholder discussion revealed the following concerns related to parking in the neighborhoods surrounding the KU campus:

- In the Oread, the large number of people living in each residence means that there is not enough space on-street to physically accommodate the number of resident cars
- Businesses that operate in these primarily-residential neighborhoods have different parking needs than the residents
- On weekends, various types of vehicles, including boats and recreational vehicles, are parked on-street, especially in the neighborhoods to the northwest of campus
- As the number of residences that switch from owner-occupied to rental properties increases, it is likely that the parking problems will become worse as the number of people per residence increases
- There is concern that the new construction occurring on campus near Ousdahl Road and W. 19<sup>th</sup> Street does not include enough parking to accommodate the new demand that will be generated



- The cost of parking at the HERE Kansas project, immediately bordering campus to the north, results in parking demand generated by the project encroaching on free parking spaces on the surrounding streets
- Many properties in the Oread neighborhood have vehicles parked in the yard at various times of the day

As part of the field work effort for this project, observations were conducted of the neighborhoods surrounding the KU campus during various times of the day. The goal of these observations was to document the parking conditions in the neighborhoods for comparison to the concerns voiced by the stakeholders and a previous study of the Oread neighborhood conducted in 2013 using a U.S. Environmental Protection Agency (“EPA”) grant. **Figure 9** presents the occupancy levels observed on the streets surrounding the KU campus in the Oread, Babcock, University Place, Centennial, and Schwegler neighborhoods, between 9AM and 10AM on Thursday, January 26<sup>th</sup>, 2017.

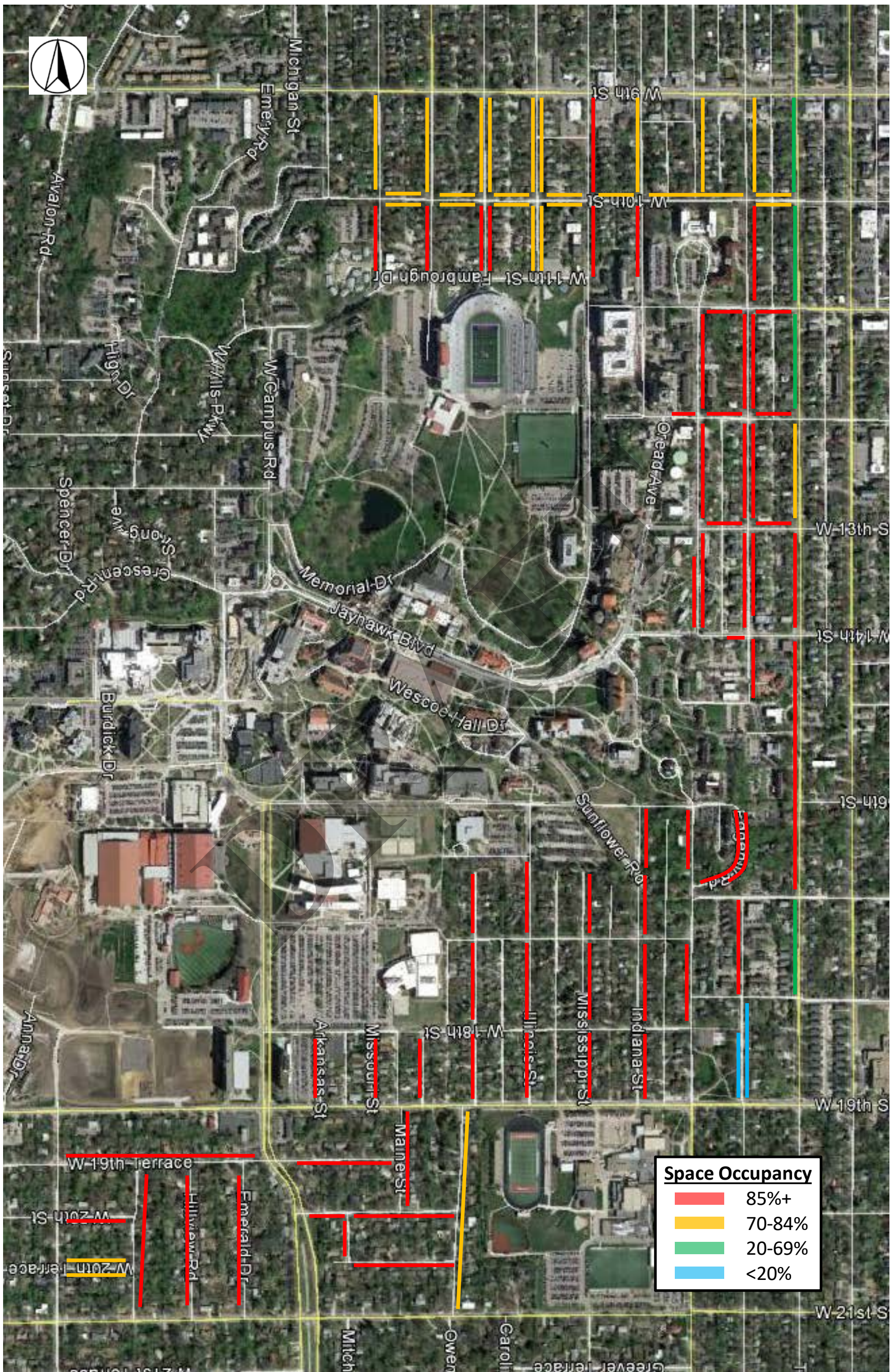
As shown in the figure, the streets most proximate to the KU campus where on-street parking is permitted were all highly occupied at the time of survey. Nearly every street segment directly adjacent to campus was greater than 85% occupied, with many of the street segments 100% occupied. As you move north, east or south, away from the campus, the on-street occupancy drops off. According to the neighborhood residents who attended the stakeholder discussion sessions, during KU’s academic year, this level of parking demand occurs nearly every weekday.

In general, demand for on-street parking around KU’s campus appears to have increased when comparing the January 2017 observations to the observations performed as part of the EPA study of the Oread neighborhood in March 2013. This increase in demand for on-street parking is likely due to several factors, including increased residential density in the neighborhoods, growth in the campus’s student and employee populations, large increases in the prices of KU parking permits, and the loss of on-campus parking spaces to new development, among others.

For the residents of the neighborhoods surrounding KU whose homes do not have driveways or alley parking spaces, the daily influx of university parkers often makes finding an available parking space difficult, especially after 8 or 9AM. Given the continued development of the south side of the KU campus, the increasing prevalence of rental housing in the neighborhoods immediately bordering the north, east and south sides of campus, and the fact that on-street parking in the neighborhoods is free, it is anticipated that parking issues will continue to plague the residents of these neighborhoods as long as the status quo is maintained.



Figure 9 – KU Neighborhood Parking Utilization (AM Peak), Thursday, January 26<sup>th</sup>, 2017



Source: DESMAN



## **6. EXISTING PARKING OPERATION**

Historically, the management and operation of Lawrence's parking system has been assigned to various departments within the municipal government. The current division of labor is based on the idea that different departments within the City are responsible for tasks which are similar to the tasks necessary to operate public parking. Therefore, instead of creating a separate Parking Department, many different departments each take responsibility for a small piece of the parking operation, with no central oversight, aside from the City Manager's Office and City Commission.

### **6.1 Oversight**

The City of Lawrence operates under a "council-manager" government form, where the "council" (in Lawrence, the City Commission) is the elected governing body responsible for the legislative functions of the municipality, such as establishing policy, passing ordinances, voting appropriations, and developing an overall vision, while the "manager" is appointed by and provides advice to the "council", oversees the administrative operations of the city and implements city ordinances.

In terms of parking in Lawrence, the City Commission adopts parking-related ordinances and changes to existing ordinances, while the City Manager ensures that any new ordinances or changes to existing ordinances are implemented. Policy decisions are considered by the City Commission, based on input from the City Manager's Office, assigned City staff and outside experts. While the decisions made by the Commission have a direct effect on how public parking is operated, there is typically no involvement by the Commission in the day-to-day operation or management of parking.

### **6.2 Management**

As the City's chief administrator, the City Manager is responsible for, among other things, management oversight of the City's public parking assets. In Lawrence, while the City Manager is ultimately responsible for carrying-out parking-related decisions made by the City Commission, many of the day-to-day operational responsibilities are delegated to other departments in the City. All of the various departments which handle some aspect of the parking operation then report back to the City Manager.

Parking planning and the development of new parking assets is primarily a function of Planning and Development Services. The Public Works Department is responsible for maintenance of the parking facilities, as well as installation and maintenance of parking-related signage. Parks and Recreation maintains landscaping around the parking facilities. The Police Department is tasked with enforcement of parking regulations and parking meter repairs, while the Municipal Court, under the supervision of the City Attorney's Office, handles adjudication of parking violations. Finally, the Finance Department is responsible for all financial aspects of the parking operation.

While this distribution of tasks may be logical and adequately serve the needs of the community, there is no single point of contact in the City for long-term parking planning and operational oversight, outside of the City Manager's Office. As Downtown Lawrence continues to evolve and the parking supply becomes more constrained both downtown and in the City's other neighborhoods, the fragmentation in the parking operation could lead to a lack of coordination among the different departments, making it difficult to effectively and quickly address parking issues which may arise.

### **6.3 Enforcement**

Enforcement of metered and timed public parking spaces both on-street and in the surface lots and garages is performed by five (5) full-time Parking Control Officers (“PCOs” or “Officers”), housed under the Technical Services Division of the Administrative Bureau of the Police Department. The Manager of these Officers is also responsible for 1 Parking Control Technician who repairs and maintains the parking meters, 3 Animal Control Officers, and 12 School Crossing Guards at 21 crossing locations. In addition to enforcing parking regulations at the City’s parking spaces, these Officers also enforce the use of 108 metered parking spaces adjacent to and serving the privately-owned HERE Kansas mixed use development located at 1111 Indiana Street.

At present, the PCOs walk designated routes throughout Downtown and visually verify that occupied single-space meters are paid between the hours of 9:30AM and 6:00PM, Monday – Saturday, or that vehicles display valid City parking passes. Officers also ensure that designated spaces in the City’s garages are paid, by comparing data from the multi-space payment kiosks to parked vehicles. For timed parking spaces, the PCOs use chalk to mark the tires of parked vehicles, in order to ensure that they do not park in excess of the posted time limits. Finally, each day, one PCO in a vehicle enforces the spaces on the periphery of Downtown and also the single-space parking meters surrounding HERE Kansas. After enforcement ceases at 6:00PM, the PCO’s return to the Law Enforcement Center where they are based, to complete their end of day reports.

If a vehicle is found to be parked in violation of the City’s overtime parking ordinance, PCOs use a handheld computer to create and issue a citation in the amount of \$5.00 that is placed under the front windshield wiper of the vehicle. If the same vehicle continues to remain parked without payment, additional citations can be issued on the same vehicle. Vehicles that have 5 or more citations outstanding within 30 consecutive days will be issued a Habitual Violator citation in the amount of \$75.00.

Based on conversations with the PCOs, their Manager and other City staff, as well as observations of the PCOs performing their duties, in general, there is diligent enforcement of parking violations in Lawrence. At the same time, PCOs were also seen to be helpful to people unfamiliar with metered parking in Downtown and were not overzealous in their desire to write as many parking citations as possible.

### **6.4 Parking Violation Processing**

Parkers who receive a parking citation currently have 10 days to pay the fine, prior to the assessment of an additional \$15.00 penalty. At present, there are 26 payment drop boxes located throughout Downtown where cash or check payments of parking citations can be made. If someone fails to pay within the 10 days, additional notification and billing processes are done by the Municipal Court in order to attempt to compel payment of the fine by the violator.

Municipal Court Clerks, in addition to their other duties, are responsible for processing parking citation payments, billing violators who have not paid their citations, and managing the official processes necessary to issue warrants for habitual parking violators. Based on conversations with the Municipal Court, much of the work of the Court Clerks is done manually and the sheer volume of parking violations makes it difficult to resolve issues with the most frequent parking violators. Additionally, it was indicated that the lack of significant penalties for habitual parking violators (e.g. vehicle booting and towing, registrations holds, etc.) means that these people often go largely unpunished.



## 6.5 Parking Fees and Fines for Violations

Fees are collected for parking on-street and in certain surface lots using single-space parking meters; handicapped spaces do not require payment. As noted previously, there are five different parking meter time limits in Downtown, each generally associated with a different color pole on which the meter is mounted or different color hood on the top of the parking meter. **Table 6** breaks down the total number of metered parking spaces in Downtown by time limit, as well as indicating the color of each pole/meter, the rate charged for each time limit, and the corresponding hourly parking rate.

The 10-hour rate of \$1.00 shown in the table also applies to the 442 paid parking spaces in the City's parking garages.

**Table 6 – Current Metered Parking Rates**

Meter Time-Limit	Meter Color	# of Meters	Parking Cost for Time-Limit	Hourly Parking Cost
15 Minutes	Yellow	26	\$0.25	\$1.00
30 Minutes	Red	19	\$0.25	\$0.50
2 Hours	Bronze/Brown	717	\$1.00	\$0.50
5 Hours	Dark Green	109	\$0.50	\$0.10
10 Hours	Black	457	\$1.00	\$0.10
Total Single-Space Meters		1,328		

Source: DESMAN

As shown in the table, the City of Lawrence currently charges from \$0.10 to \$1.00 per hour for metered parking, with all parking meters enforced from 9:30AM to 6:00PM, Monday – Saturday, excluding City holidays. In general, the rates charged at the City's parking facilities and for metered on-street parking have not increased since at least 2009; the rates for 5- and 10-hour parking have not increased since 2001. Based on research from cities identified as similar to Lawrence, on-street metered parking rates in the benchmarked communities average around \$1.00 per hour.

In addition to using coins to pay for parking at the City's parking meters, vehicles displaying a valid parking pass are also permitted to park at 10-hour meters without inserting coins. These passes, which cost \$192 per year (\$16 per month) or \$50 per quarter, can be used for parking at any 10-hour meter in Downtown (on- or off-street), as well as in all of the City's parking garages.

The parking fine history is summarized in **Table 7**. Although there has been a gradual increase from \$1.00 to \$5.00 for overtime violations and corresponding increases in habitual violator fines, the \$5.00 overtime fine provides very little incentive to pay the meter. It is clear from the number of tickets issued that, despite the effective enforcement operation, many people are willing to take a chance on not getting ticketed because the penalty is relatively low.

**Table 7 – Parking Fine History**

Parking Fine History			
Effective Date	Overtime	Habitual Violator	Failure to pay within 10 days
Prior to 1996	\$1.00	N/A	\$10.00 (up to \$100)
1997	\$2.00	\$15.00	\$10.00 (up to \$100)
2004	\$2.00	\$50.00	\$10.00 (up to \$100)
2009	\$3.00	\$50.00	\$15.00 (up to \$100)
2016	\$5.00	\$75.00	\$20.00 (up to \$100)

Source: DESMAN

## 6.6 Historical Parking Violation Issuance

The number of tickets issued at the City’s parking meters and timed parking spaces each year between 2013 and 2016 are summarized in **Table 8**. As shown in the table, the number of tickets has remained relatively constant over the last four years, despite the fact the fine for an overtime parking violation increased by more than 65% in 2016.

**Table 8 – Historical Volume of Overtime Parking Violations Issued**

Year	# of Tickets Issued
2013	100,869
2014	94,390
2015	102,141
2016	96,672
Average	<b>98,518</b>

Source: City of Lawrence

If the City enforces paid and timed parking regulations an average of 304 days per year (no Sundays and no City holidays), based on the ticket volumes presented in the above table, an average of 324 tickets are written per day or about 65 tickets by each full-time Parking Control Officer.

Given the size of the City’s parking system, the annual volume of parking citations issued is extraordinarily high. In other municipalities, it is typical for the average enforcement officer to issue perhaps 30 – 40 violations per day. These ticket volumes indicate that either the \$5.00 fine for parking violations is too low or that drivers do not have an adequate disincentive against parking illegally, such as a program of vehicle booting or towing.

## 6.7 Historical Financial Performance of the Parking System

The revenue generated by the parking system and expenses associated with operating and maintaining the system for the calendar years 2014 – 2017 is shown in **Table 9**. The 2016 revenue reflects only 11 months of actual data, with the twelfth month projected, while all of 2017 has been projected.

As shown in the table, revenue has grown slightly over the last four years, with most of the growth coming from Overtime Parking. This growth makes sense, due to the fact that the cost of an overtime parking violation increased from \$3.00 to \$5.00 in the second half of 2016.

On the expense side, from 2014 through 2016, operating expenses fell each year. However, the 2017 budget assumes that the cost of parking meter maintenance will increase and that the parking system will contribute \$150,000 toward the repayment of the debt associated with the construction of the New Hampshire and Vermont Street garages.

It should be noted that, despite the fact that revenues from the parking system are expected to be used for debt repayment in 2017, the amount reflected in the table does not account for the entire debt service payment. According to information provided by the City, over the next several years, debt service payments will average about \$1.1MM annually.

**Table 9 – Financial Performance of the Parking System, 2014 - 2017**

Revenue Source	Actual 2014	Actual 2015	Projected 2016	Projected 2017
Meters	\$ 610,048	\$ 617,730	\$ 620,000	\$ 626,000
Overtime Parking	\$ 497,275	\$ 582,057	\$ 590,000	\$ 702,000
Riverfront Garage	\$ 44,990	\$ 37,357	\$ 30,000	\$ 30,000
New Hampshire Garage	\$ 11,468	\$ 11,009	\$ 12,000	\$ 12,000
Vermont Street Garage	\$ 7,025	\$ 12,380	\$ 10,000	\$ 10,000
Parking Permits	\$ 116,498	\$ 79,995	\$ 116,000	\$ 116,000
Interest on Investments	\$ -	\$ 230	\$ 1,000	\$ 1,000
Miscellaneous	\$ -	\$ 221	\$ -	\$ -
<b>Total Revenue</b>	<b>\$ 1,287,304</b>	<b>\$ 1,340,979</b>	<b>\$ 1,379,000</b>	<b>\$ 1,497,000</b>
Expense Source				
Municipal Court - Operations	\$ 167,292	\$ 161,903	\$ 209,736	\$ 216,302
Police - Enforcement	\$ 398,918	\$ 381,582	\$ 456,732	\$ 420,676
Capital Outlay - Meters	\$ -	\$ -	\$ 64,000	\$ 99,000
Police - Security Patrol	\$ 316,982	\$ 294,927	\$ 304,692	\$ 331,496
Public Works - Maintenance	\$ 226,270	\$ 212,451	\$ 199,755	\$ 365,503
Parks and Rec. - Maintenance	\$ 210,844	\$ 223,264	\$ -	\$ -
Capital Outlay - Maintenance	\$ 23,370	\$ -	\$ 15,000	\$ -
Parking Debt <sup>1</sup>	\$ -	\$ -	\$ -	\$ 150,000
<b>Total Expenses</b>	<b>\$ 1,343,675</b>	<b>\$ 1,274,127</b>	<b>\$ 1,249,915</b>	<b>\$ 1,582,977</b>
<b>Revenue - Expenditures</b>	<b>\$ (56,372)</b>	<b>\$ 66,852</b>	<b>\$ 129,085</b>	<b>\$ (85,977)</b>

1) This amount is not the total debt service payment for the parking garages. The total parking-related debt service payment in 2017 is approximately \$1.1MM.

Source: City of Lawrence

Based on the historical financial information provided by the City, the parking system currently generates either a small operating profit or small operating loss, depending on the year. If you were to factor in the entire debt service obligation associated with the parking system, the City's loss from the parking operation is projected to be slightly over \$1MM in 2017.

## 7. FUTURE DOWNTOWN PARKING DEMAND

### 7.1 Anticipated Future Development

Discussions with stakeholders and City staff revealed a number of potential developments which might influence parking demand in Downtown Lawrence. The list of projects, provided in **Table 10**, shows that the first development, construction of a grocery store and residential units in the 700 block of New Hampshire, could be completed as early as 2019.

The projects that could be identified vary dramatically in size and type, with plans for a large conference center and hotel, as well as several hundred units of residential development.

**Table 10 – Anticipated Future Development in Downtown Lawrence**

Anticipated Year of Completion	Type of Development	Location	Size	Units	Existing Parkers Displaced	Parking Added	Net Parking	Anticipated Demand <sup>1</sup>	Anticipated Surplus/ (Shortfall)	Anticipated Parking Location(s)
2019	Former Border's Book Store - Grocery Store	700 Blk of N.H.	50000	Sq. Ft.	0	255	255	230	25	N/A
	Former Border's Book Store - Residential	700 Blk of N.H.	80	Rental						
2020-2021	Journal Mixed-Use	600 Blk of Mass.	Unknown		0	?	?	?	?	?
2020-2023	Conference Center	600 Blk of Mass.	30000	Sq. Ft.	0	Plans Include Garage to Satisfy Project Demand		N/A	0	N/A
	Conference Center - Hotel	600 Blk of Mass.	150	Rooms						
Unknown	Allen Press Residential/Mixed-Use	1100 Blk of Mass.	400	Beds	20	200	180	200	(20)	N.H. Garage
2027	Vermont Place - Residential	800 Blk of Vermont	12	Condos	0	22	22	55	(33)	Vermont Garage/ Lot 3
	Vermont Place - Commercial/Retail	800 Blk of Vermont	7788	Sq. Ft.						
	Vermont Place - Office	800 Blk of Vermont	6504	Sq. Ft.						

1) Based on the Urban Land Institute parking demand factors, adjusted for local conditions.

Source: City of Lawrence; Various Development Entities

### 7.2 Near – Term Impact of Development on Future Parking Supply and Demand

In addition to the potential locations and types of developments, Table 10 also shows the number of parking spaces to be added as part of each project, the number of existing parkers displaced and the anticipated parking surplus or deficit resulting from each project. As you can see from the table, it is anticipated that the conference center/hotel project will include a parking garage component that will satisfy the demand generated by the development itself. As that project is not expected to displace existing parkers, there should be no effect on the supply and demand conditions in Downtown. Additionally, current plans for the former Border's Book Store site in the 700 block of New Hampshire Street indicate that there will be a net gain of 25 parking spaces when that project is completed.

The two projects with the potential to create additional parking demand that cannot be accommodated by the planned new parking supply are the mixed-use project at the former Allen Press site and the Vermont Place project. Both of these projects, despite building parking, are expected to generate more parking demand than the projects themselves can accommodate. Based on the location of the Allen Press project and the fact that the demand is anticipated to come from residents, it is anticipated that the 20 surplus parkers generated by this project can be accommodated in the New Hampshire Garage. The 33 surplus parkers generated by the Vermont Place project have several parking options in close proximity, including Lot 3 and the Vermont Street Garage.

Despite the fact that additional development is planned for Downtown Lawrence over the next 10 years, given the current availability of public parking spaces and the proposed sizes and locations of the

developments, it is anticipated that the City's existing supply of public parking should be more than adequate to satisfy the potential future demand for parking.

### **7.3 Long – Term Impact of Development on Future Parking Supply and Demand**

As Downtown Lawrence continues to develop, the City should have a definitive policy regarding the provision of downtown parking. Historically, the City has provided parking for downtown developments. With the advent of more residential parking, the use of City lots for residential parking has created a conflict with parking for existing office employees. The policy should articulate how to handle future projects. We suggest a thorough discussion of the issue by the City Commission, including the following:

- Should the City continue to provide parking for new developments, particularly residential? If so, how does the City manage the conflict between residential and office parkers?
- The City could provide a monthly permit for residential parkers, but only in one of the available garages. This would eliminate the conflict with employees for surface parking spaces.
- The City could continue to provide for non-residential parking, but require residential parking on-site.
- The City could require any development on current public parking lots to replace those spaces and provide parking for new uses.
- The City could require any development not providing on-site parking to pay a "fee-in-lieu" which would go to the parking fund to support the development of additional parking facilities. However, to be effective the fee has to be equivalent to the cost to build structured parking spaces.
- If the City is going to continue to provide parking for non-residential uses downtown, occupancy levels will need to be monitored and coordination with the Planning Department will be necessary in order to anticipate the need for additional parking in time to develop new facilities.

## **8. CONCLUSIONS AND SUMMARY OF ISSUES**

Based on the data collected, the stakeholder discussions and the analysis performed, the following is a list of the key issues to be addressed in the Operations and Development Plan. As best as possible, the issues are grouped by category and correspond to the recommendations presented later in the Plan.

### **1. Parking Demand**

- a. Parking demand generated by downtown and the University of Kansas are overwhelming certain residential neighborhoods immediately bordering each area.
- b. There is not a shortage of parking when looking at the Downtown as a whole, but localized shortages do exist.
- c. Demand for parking in several areas of Downtown and for particular types of parking spaces is very high, while other areas and types of spaces are not in high demand; in particular, there is demand for more long-term spaces and fewer short-term spaces.
- d. Based on currently-available development plans, the impact of future Downtown development on parking appears to be minimal over the next 10 years.
- e. Over the long-term, if the City continues the policy of providing most of the parking downtown, there will be a need for additional facilities, unless demand for parking is reduced. There are a

number of transportation demand management techniques which may be used to reduce parking demand in Downtown Lawrence.

2. Rates

- a. The current parking rates do not place a high enough premium on parking at the best/most desirable spaces.
- b. There are too many parking meter time limit categories, making enforcement more cumbersome.
- c. The existing parking rates and violation fines do not generate sufficient revenue to fully-fund the operations and maintenance of the parking system.
- d. The current cost of a right-of-way permit (meter bag) of \$1.00 is not sufficient to cover the cost of the manpower required to bag the meter, nor does it take into account the potential lost meter revenue during the time the meter is bagged.

3. Operations

- a. The enforcement of parking violations is diligently executed, but highly labor intensive.
- b. The two-headed meter arrangement on Massachusetts Street is confusing to motorists.
- c. Paid and timed parking is only enforced until 6:00PM, despite extensive nighttime activity in Downtown.
- d. Operational and maintenance functions related to the parking system are scattered in several City departments with no one person in charge/overseeing the system.
- e. The labor-intensive nature of violation processing makes it difficult/impossible for the Municipal Court to effectively handle the volume of violations currently issued.

4. Policy

- a. There are no provisions for overnight parking permits for Downtown residents; overnight parking is technically illegal.
- b. Fines for parking violations are too low to deter a significant number of violators.
- c. The punishment for repeat violators of the City's parking regulations is minimal, with no boot and tow program in place.
- d. Wayfinding to parking lots and garages off of Massachusetts Street and on the approaches to Downtown is weak, leading to many parking facilities being underutilized.
- e. Payments for fines cannot be made online or with credit cards until 10 days after issuance.
- f. Parking violation payment drop boxes have been the target of theft in the past.
- g. Employers and employees are frustrated by the lack of long-term parking options and spaces being occupied by Downtown residents by the time employees arrive in the morning.
- h. Historically, the City has provided all parking in Downtown, but that policy is being questioned by some residents.
- i. Some of the parking requirements in the City's zoning ordinance are higher than typical in other municipalities.
- j. Charter buses are parking on Rhode Island and other streets in and around Downtown after dropping off passengers, occupying a significant number of parking spaces for long periods of time.



5. Functional

- a. Existing parking lot layouts can be improved to increase the number of available parking spaces in certain facilities.
- b. Lighting levels are low in many parking lots and at least one garage (New Hampshire Garage), raising safety concerns for some users.

6. Technology

- a. All of the City's parking meters currently accept only coins; no other payment options exist for daily parkers.
- b. Credit cards are only accepted for payment of parking time in the Vermont Street Garage, the other two garages are cash-only.
- c. Handhelds currently used by the Parking Control Officers have ongoing operational issues and make the process of enforcing more difficult/time-consuming.
- d. All enforcement is currently performed manually, including chalking of tires in time-limited parking spaces.

7. Future Capital Repair/Replacement

- a. Capital repair and equipment replacement costs are currently paid out of the parking fund or General Fund, as needed; there is no plan in place to cover long-term costs.

**9. OPERATIONS, MANAGEMENT, POLICY, AND PHYSICAL IMPROVEMENT RECOMMENDATIONS**

**9.1 Purpose of Recommendations**

The recommendations which follow were developed by DESMAN, in consultation with the City, in order to address each of the issues identified throughout the course of this study. The recommended changes to the operations, management, policies, and physical assets which makeup the City's public parking system are intended to address the current needs of Downtown Lawrence and the examined neighborhoods, as well as the anticipated needs of these areas over the next 10 plus years. While none of the recommended changes will, by themselves, remedy all of the existing or future parking-related issues within the study area, the goal is to make incremental improvements in order to delay or eliminate the need for additional structured parking facilities, to improve the experience of parking users and to address the concerns raised by the city's stakeholders.

**9.2 Timing of Recommendations**

While the impacts of the recommended changes can be predicted to a certain extent, a number of the changes that are being proposed have the potential to impact the public parking system in unknown ways. For instance, increasing the supply of long-term parking spaces by replacing 2-hour meters with 10-hour meters may satisfy the existing demand for employee parking, reducing the need to reconfigure existing surface parking lots to add capacity. However, it is possible that changing parking meter durations may only satisfy a portion of the long-term parking demand, making parking lot reconfigurations or other changes necessary to address the remaining long-term demand.

Due to the uncertainty around the impact that these recommendations will have on the current and future parking dynamics within the study area, the proposed implementation timetable has been designed to allow time for the impacts of the changes to be felt, before additional changes are made to the system. In our experience, this approach is more successful than attempting to implement all of the recommended changes at one time and dealing with any unintended consequences in a piecemeal way. Hopefully, this will allow changes to the parking system to be made in a methodical way, avoiding a situation where the City spends resources on recommendations that do not result in an improved parking operation or must walk back a change that had an unintended, negative consequence.

In addition to factoring in how one recommendation will affect others, the implementation schedule also takes into account the complexity and cost of implementing each recommendation. The simpler and less costly recommendations are proposed to be implemented immediately or in the short-term, while the more complex and expensive recommendations are assumed to be implemented over the course of the next several years. This was done so that time and money are not spent unnecessarily on expensive and complex solutions, when simpler and less costly solutions could successfully address existing and future public parking issues in Lawrence.

### **9.3 Anticipated Cost of Implementation**

For each of the recommended changes or improvements, an anticipated cost has been provided for use in the City's budgeting process. While the actual costs of implementing the recommendations will likely vary somewhat from these figures, these planning level cost estimates are intended to provide the City with an idea of the financial commitment associated with each recommendation. That cost, along with the potential benefits of each recommendation, will allow for an objective comparison of the merits of each proposed recommendation. Similarly, some of the recommendations such as rate increases, will generate revenue. We have also attempted to identify the magnitude of that revenue increase.

### **9.4 Recommendations**

As mentioned above, once implemented, certain of the recommendations have the potential to reduce or eliminate the need for other, potentially costlier and more complicated changes to the parking operation. For this reason, the recommendations have been broken-down into two phases. The Phase I recommendations are seen as the least costly and most easily implementable, while the Phase II recommendations will require more significant capital outlays and/or more planning in order for implementation to be successful. Presented at the end of the detailed recommendations, **Table 11** provides a brief summary of each recommendation, along with its anticipated cost and anticipated implementation timeframe.

In addition to the two phases of implementation, there is one recommendation which, in our opinion, needs to be addressed prior to any changes being made to the current parking operation: the selection of an existing staff member or the hiring of an outside person to be in charge of all aspects of the parking operation. *However, the Phase I recommendations have been designed to be implementable by existing City staff while a head of the parking operation is identified, if the City desires to begin making operational changes immediately.*

#### 9.4.1 Designate a Head of the Parking Operation

As noted previously, various departments within the City are responsible for overseeing the operation, management and maintenance of public parking in Lawrence. As a result, prior to this study, there has not been a focus on long-range strategic planning as it relates to parking. In order for the public parking system to transition from where it is today, to a modern and well-run system which satisfies the needs of all of the various parking user groups, both now and in the future, there must be a person at the City whose main focus is parking and related demand management strategies. Having one person as the head of the parking operation will also help ensure that the subsequent recommendations presented in this plan are successfully implemented. While many of the functions that will be performed by the head of the parking operation could be performed by existing City staff, based on our interactions with existing City personnel, no one currently handling any aspect of the parking operation has the time to devote solely to this undertaking or has all of the required skills necessary.

The head of the parking operation should be made accountable for the overall performance and operations of the on- and off-street parking assets and programs including:

- Coordinating and trouble-shooting enforcement unit staffing and deployment and meter collections;
- Coordinating the execution of in-house equipment service and facility maintenance needs;
- Managing outside contractor services;
- Supervising and auditing permit issuance and sales;
- Planning and implementing parking system programs;
- Analyzing and reporting system revenue and expenditures with and under the direction of the Finance Department;
- Serving as a key advisor to the City Commission and Parking Committee concerning operations and management of the parking system and programs;
- Coordinating parking system support with sponsors of special events;
- Coordinating parking and transportation demand management strategies with other agencies in the area;
- Acquiring and implementing new technology;
- Identifying new meter locations;
- Reviewing parking rates and recommending adjustments;
- Training, deploying, supervising, and evaluating parking staff;
- Tracking, auditing and forecasting system revenues and expenditures;
- Ensuring that enforcement is conducted consistently and fairly;
- Ensuring facilities are kept clean, safe and well maintained;
- Facilitating proactive and responsive marketing, sales and public information initiatives;
- Troubleshooting day-to-day problems quickly and effectively;
- Researching and promoting the implementation of “Best Industry Practices” for the program;
- Serving as the “parking expert” as local planning and economic development strategies and plans are being studied;
- Monitoring significant variances in the availability of parking supply and customer demand to ensure that assets are optimally serving the community;
- Developing the process and format for producing an annual report for the program;
- Developing standards for good customer service and accommodations, and;
- Improving, updating and maintaining the City’s parking website.

The person in charge of public parking in the City should be someone who, ideally, has experience running a small- to medium-sized municipal parking operation or a large, private parking operation, is familiar with best parking management and enforcement practices and is willing to act as the driving force behind the proposed system enhancements. It is recommended that this person be dedicated solely to parking, focused on improving the City's existing parking system and planning for and implementing improvements to the system as the Downtown and the City's other neighborhoods continue to evolve in the future. If an existing City staff person is moved into this role or if someone is hired who does not have the required experience in parking, that person should be required to obtain the Certified Administrator of Public Parking (CAPP) credential within six (6) months of being hired. However, given the magnitude of the task, it will take some period of time to integrate all of the existing responsibilities under one umbrella.

In addition to hiring/designating a head of the parking operation, consideration should be given to how parking operations could be coordinated between the City and KU. From a user's perspective, parking in Lawrence should be seamless between University- and City-owned spaces. This might involve joint purchasing and co-branding metered spaces ("Park Lawrence"), and could evolve into joint enforcement and other operations.

*Estimated Cost to Implement:* \$55,000 – \$65,000, annual salary (not including benefits)

*Estimated Timeframe:* 3 – 6 Months

#### 9.4.2 Phase I Recommendations

- (1) ***Eliminate the designation of on-street parking spaces for use only by the residents of one particular property.*** At present, two property owners in the city have on-street parking spaces directly in front of their houses assigned by ordinance and signed for the use of their property only (1109 Ohio and 1647-1649 Edgehill). These carveouts were done to satisfy the demands of these two particular property owners. However, reserving the public right-of-way for use by a single residence is not only bad policy, it also sets a precedent that other property owners can look to when demanding their own reserved on-street space. Often times, these spaces sit empty, while every other on-street space in the vicinity is occupied, given the locations of these two spaces near the KU campus.

It is recommended that, as soon as possible or at the latest when the current owners of these properties no longer reside in their houses, the restrictions on these spaces be removed from the City Code and this policy not be repeated in the future.

*Estimated Cost to Implement:* Nominal (minimal staff and City Attorney time)

*Estimated Timeframe:* 3 Months

- (2) ***Forbid charter bus and other large vehicle parking within designated neighborhoods.*** According to residents of East Lawrence and the neighborhoods surrounding KU, charter buses used by music groups performing in Lawrence and other large vehicles such as boats, trailers, etc., are often parked on city streets that do not have parking restrictions, occupying significant numbers of parking spaces. This is particularly problematic in the neighborhoods where on-street parking is in high demand and used by residents who do not have driveways or other off-street spaces at their disposal. In most instances, this type of long-term storage of vehicles could be done outside of these high demand areas, ideally in underutilized City parking lots or on vacant parcels, with a specific location or locations designated by the City.

*Estimated Cost to Implement:* Nominal (minimal staff and City Attorney time)  
*Estimated Timeframe:* 3 Months

- (3) **Remove the 2-hour meters from the 300 block of W. 9<sup>th</sup> Street.** The five (5) meters on the north side of this street segment serve little purpose and are very poorly utilized; at no time during the occupancy surveys were any of these spaces occupied. The businesses in the area provide an ample supply of parking for customer use. Removing the meters will reduce the time and effort it takes to enforce and collect coins deposited in these meters, while also reducing maintenance costs associated with keeping the meters functioning.

*Estimate Cost to Implement:* Nominal (minimal staff time)  
*Estimated Timeframe:* 1 Week

- (4) **Replace existing 5-hour meters with 10-hour meters.** While the 5-hour meters were well utilized during the occupancy surveys (~60% peak occupancy), there is no additional benefit to this length of stay versus a 10-hour meter. Both types of meters charge the same \$0.10/hour rate and 10-hour parking is currently the most highly-desirable duration of parking in Downtown (~70% peak occupancy for 10-hour meters and ~90% peak occupancy for 10-hour free spaces). Replacing the 5-hour meters with 10-hour meters will both increase the supply of the most desirable duration parking space and simplify on-street enforcement.

*Estimated Cost to Implement:* Nominal (minimal staff time and materials)  
*Estimated Timeframe:* 1 Month

- (5) **Change a number of 2-hour meters to 10-hour meters.** As stated previously, occupancy surveys revealed that, in the Downtown as a whole, there is greater demand for long-term parking than short-term parking. In discussions with the City and downtown business owners, it was stated that long-term parking is lacking in certain areas during normal business hours. Changing the 2-hour on-street meters in the 600, 700 and 800 blocks of New Hampshire Street, the 200 blocks of E. 8th and E. 9th streets and the east side of the 600 block of Vermont Street to 10-hour meters will help alleviate or will eliminate any actual or perceived shortages of long-term parking in these areas of Downtown. In all, this change would result in the creation of 98 additional 10-hour parking spaces.

The blocks of New Hampshire Street where this change is proposed are also served by Lot 2 and Lot 4, both of which provide 2-hour free parking, both of which were observed to have significant excess capacity. Conversely, the 10-hour and unrestricted spaces on and near these blocks are typically very highly utilized.

The 600 block of Vermont Street is served by 2-hour meters on both the east and west sides of the street, with the east side only 7% occupied and the west side less than 50% occupied during the survey periods. Additionally, Lot 15, which is located adjacent to this street segment and contains 10-hour meters, was 86% and 78% utilized during the morning and afternoon survey periods, respectively. These findings suggest a shortage of long-term spaces and an excess of short-term spaces in this area.

*Estimated Cost to Implement:* Nominal (minimal staff time and materials)  
*Estimated Timeframe:* 1 Month



- (6) **Change 15- and 30-minute meters to 2-hour meters.** Enforcing very short duration parking is extremely challenging. It is difficult for enforcement personnel to consistently monitor 15- and 30-minute metered parking spaces, while also maintaining a regular schedule of enforcement for 2-, 5- and 10-hour spaces. Fewer time restrictions should result in increased efficiency of the City's PCOs, without sacrificing parking availability; utilization of the 15- and 30-minute meters was observed to peak at 31% and 42%, respectively. This change would also yield 21 additional 2-hour spaces on Massachusetts Street (an increase of more than 6%), where the existing 2-hour meters are very well utilized throughout the course of the day.

*Estimated Cost to Implement:* Nominal (minimal staff time and materials)

*Estimate Timeframe:* 1 Month

- (7) **Increase the cost of right-of-way (meter bagging) permits.** Providing a right-of-way (meter bagging) permit removes a public parking space from the available parking inventory, while also eliminating the potential for that space to generate revenue. Charging \$1.00 per space for this type of permit, regardless of the number of days the space remains unavailable, drastically undervalues this public asset. The cost of this type of permit should factor in not only the cost of the labor necessary to install and remove meter bags, as well as the initial cost of purchasing the meter bags themselves, but also the potential lost revenue from the meter. In many municipalities, the cost of temporarily taking a meter out of service can be many times the actual revenue-generating potential of that space, in order to discourage the practice.

It is recommended that the cost of a right-of-way permit be increased to at least \$5 per space, per day, in order to make the City whole for spaces that are temporarily taken out of service. Additionally, should the City choose to increase on-street parking rates as recommended, the cost of these permits should be increased proportionately.

*Estimated Cost to Implement:* Nominal (minimal staff time and materials)

*Estimate Timeframe:* 1 Month

- (8) **Investigate the potential of adding parallel parking on the west side of Rhode Island Street.** Based on input from community stakeholders and verified by first-person observation, the 10-hour and unrestricted parking spaces on- and off-street in the 700 and 800 blocks of New Hampshire Street (between New Hampshire and Rhode Island) are consistently some of the most highly utilized parking spaces in all of Downtown Lawrence. Occupancy of the parking spaces in Lot 8 and the 700 New Hampshire Lot reached 90% and 97% of capacity, respectively, on the day of the surveys. Additionally, the 10-hour on-street meters on these blocks, as well as the unrestricted on-street spaces along the east side of Rhode Island, were 100% occupied at various points throughout the survey day. Finally, with new development set to come online in both blocks in the near future, there is the potential for even greater parking demand in the area.

If the width of Rhode Island Street permits, factoring in the need for fire trucks to have access, there is the potential to add approximately 23 on-street parking spaces on the west side of the street in the 700 block. Based on the 30-foot width of the street, assuming 8-feet of width on each side of the street for parking, would yield 14-feet for the drive lane. Based on traffic planning and design best practices, this width should be sufficient to accommodate any fire department vehicle, while also calming the speed at which normal traffic travels down the street.

It should be noted that this change may have a negative impact on bicycle traffic, as the space available to accommodate both bikes and cars would be reduced.

*Estimated Cost to Implement:* Nominal (minimal staff time)

*Estimated Timeframe:* 1 Month

- (9) ***Establish a boot and tow policy to deal with habitual parking violators.*** Per conversations with the City's PCOs and Municipal Court staff, the existing fines for parking violations and other mechanisms currently in place do not adequately serve to deter habitual parking violators. A recent increase in the fine amount for a parking violation (from \$3 to \$5) has done nothing to curb the number of people parking illegally; the PCOs still issue and the Municipal Court clerks must still process nearly 100,000 parking citations annually. There is no policy in place, other than additional fines, to encourage habitual violators to either stop breaking the rules or to pay off their existing citations more quickly.

Implementing a policy of booting and towing vehicles that accumulate more than a certain number of parking citations within a certain time frame will encourage greater compliance with parking regulations and reduce the number of habitual violators. This is not intended to be punitive for the average citizen or visitor coming to Downtown. It is merely a method for ensuring that those people who do park at a meter pay for the time they are parked and those people who park in a time-restricted space to do not abuse their free parking privilege.

In order to reduce some of the potential backlash from those individuals with a large number of outstanding citations, an amnesty program could be established in the months before the boot and tow policy is implemented. Programs of this type typically offer to forgive outstanding citations in exchange for payment of a portion of the balance owed – perhaps 50% of the total. With tens of thousands of parking citations currently outstanding, this type of program could result in a one-time windfall for the City.

A sample boot and tow policy is included in the Appendix of this report, to be used by the City as a template for developing a policy specific to the needs of Lawrence and the laws of Kansas. We would further recommend that the definition of a *habitual violator* be changed from the current 5 offenses in a 30-day period to 3 offenses in a 30-day period (City Code 17-417).

*Estimated Cost to Implement:* Nominal (minimal staff and City Attorney time)

~\$100 per wheel lock; contract out towing services to a private company

*Estimated Timeframe:* 6 Months

- (10) ***Establish a residential permit parking policy for the city's neighborhoods.*** Input from the residents of various neighborhoods throughout Lawrence indicate a strong desire by many to implement areas of parking for residents only. In particular, the neighborhoods surrounding the University of Kansas and the East Lawrence neighborhood experience significant spikes in parking demand at various times, particularly on weekdays during the daytime and some evenings, as well as during large events. This influx of demand, coupled with a lack of driveways at a large majority of houses in some neighborhoods, means the streets are completely full of vehicles for many hours of the day. In addition, any spaces that do become vacant are quickly filled, making it very difficult for residents to run errands, drop children off at school, etc., and find an available space once they return home.

Around KU, the on-street parking problem is exacerbated by the fact that many houses which were originally built as single-family homes are now multi-unit buildings, housing many more driving-aged residents than originally intended; more cars are now vying for the same amount of space.

While a resident permit parking policy is not intended to assign individual on-street parking spaces to each residence or deal with the issues associated with large events, the goal is to accommodate resident parking within a reasonable walking distance of each residence (1-2 blocks) and to push KU students/faculty/staff into KU's on-campus parking areas and Downtown parking demand into the City's public parking spaces. Members of the KU population driving to work or class on a daily basis should be parking in spaces on-campus, but currently refuse to do so because on-street parking in many neighborhoods is free and unrestricted. Similarly, residents and employees in Downtown choose to park in the East Lawrence neighborhood (particularly along Rhode Island Street), in order to avoid paying for parking or having to conform to the City's parking time limits.

Implementing a residential permit parking program will have a positive impact on the volume of outside parkers using parking spaces on residential streets. However, it is unlikely that this type of program will be a silver bullet for solving the parking problems in some of the City's neighborhoods. Particularly in the neighborhoods bordering the KU campus, the sheer number of car owners residing in each property means that there is likely not enough curb-side space to accommodate all of the vehicles on each street. Instead, a residential permit parking program will establish zones within which residents of that zone may park – this does not mean that residents will always be able to find a parking space on the street where they live. In order to accomplish this, a hard cap on the number of vehicles each residence is permitted to park would be necessary and even that is no guarantee that all of the vehicles could be accommodated.

DESMAN is not recommending that the City establish resident permit parking on any particular streets or in any particular neighborhoods. Instead, the policy framework presented in the Appendix details the process by which a neighborhood can request that resident permit parking be implemented in a particular area. The adoption of the policy is the responsibility of the City, but the implementation of resident permit parking should be based on the will of the residents of the various neighborhoods. The permit costs outlined in this policy are designed to be revenue neutral.

*Estimated Cost to Implement:* Nominal (minimal staff and City Attorney time)

*Estimated Timeframe:* 3 Months

- (11) **Review zoning ordinance requirements regarding downtown residential parking.** Parking for land uses in the Downtown District is not required in the zoning ordinance. Historically, parking has been provided by the City. With the increase in residential units Downtown, a conflict is developing between residential and office parking needs.

Resident parking is most appropriate in off-street facilities where vehicles can be conveniently parked when not in use. If this concept is not going to be acceptable to residential developers, the alternative would be to require developers to provide residential parking as part of their projects or contribute to a parking fund to assist the City in building structured parking. Consideration should be given to establishing a provision for Downtown residential parking, either an absolute standard, fee in lieu or contracting for existing available parking. If a parking requirement is not imposed, provisions need to be made for overnight parking for residential users in City facilities.

*Estimated Cost to Implement:* Nominal (minimal staff time)  
*Estimated Timeframe:* 6 Months

- (12) ***Establish a reserve fund for parking.*** Parking garages, surface parking lots, parking meters, signage, and all of the various other physical assets that form a parking system and enable a parking operation to work have a cost associated with them and will require replacement at some point in the future. Building new parking spaces, maintaining existing spaces and replacing equipment can all require significant capital outlays which, at present, come from the City's General Fund or through debt financing. Due to the significant burden that these large and irregular expenses can place on a city's finances, it is good practice to set aside money in a reserve fund to help offset these future costs.

As the parking system does not currently generate profits on a consistent basis, perhaps the City can divert a portion of the annual payment from the developer of the HERE Kansas project to the reserve fund. Ideally, the City should be setting aside at least \$75/space per year for the parking garage spaces and \$25/space per year for the surface lot and on-street spaces.

*Estimated Cost to Implement:* \$150,000/year, based on existing parking inventory  
*Estimated Timeframe:* 6 Months

- (13) ***Work with Douglas County to solve the parking issues at the Law Enforcement Center.*** The high demand for parking created by the Law Enforcement Center means that the Law Enforcement Center Lot is consistently well utilized (over 92% occupied on the survey day), with additional vehicles spilling onto the surrounding residential streets. In addition, on court days when a large number of jurors come to the Center, County employees whose shifts start after 8:30AM have difficulty finding a space. Despite the fact that the City controls only the 14 metered spaces in the Law Enforcement Center Lot, the City would benefit from working with the County on ways to add parking capacity, particularly as new development begins to occur on the south end of Massachusetts Street.

It is recommended that the City collaborate with Douglas County on a plan to use the County's former Public Works Building at 13<sup>th</sup> Street and Massachusetts Street for overflow parking on jury days. Additionally, in coordination with the County, an attempt should be made to negotiate an agreement with Trinity Lutheran Church to allow City/County parking in their parking lot on weekdays, when church demand is typically low. Jurors can be notified of these two alternate parking locations prior to arriving at the Law Enforcement Center, in order to reduce the congestion that occurs in the LEC Lot and the confusion related to where to find available parking. Additionally, these locations have the potential to accommodate public parking during large events in Downtown.

*Estimated Cost to Implement:* Nominal; however, the Church may require some form of payment or donation for use of their spaces  
*Estimated Timeframe:* 6 Months

- (14) ***Improve wayfinding signage from Massachusetts Street and major approaches to Downtown to surface parking lots and garages.*** Additional signage is needed to direct drivers from Massachusetts Street to available spaces in City facilities both east and west of Massachusetts. Drivers cruise Massachusetts looking for on-street parking, while garage and surface lot spaces are typically readily available. Five well located signs on Massachusetts in each direction between 6<sup>th</sup> and 11<sup>th</sup> streets would direct motorists to City parking facilities. The signs could be as simple as a "P" with an arrow

or could include the name of the facility with an arrow. In most cases the signs could be placed on existing light poles to minimize costs.

*Estimated Cost to Implement:* Nominal (\$5,000 - \$10,000)

*Estimated Timeframe:* 6 Months

#### 9.4.3 Phase II Recommendations

- (15) **Add multi-space, pay-by-plate kiosks on-street, which would permit license plate enforcement, use of credit cards and cell phone payments.** The replacement of on-street meters with pay-by-plate, multi-space meters, should be a priority. A pay-by-plate system associates a parker's license plate number with the amount of parking time paid for, as opposed to a single-space meter system where an enforcement person must visually verify that payment has been made by looking at the parking meter itself. A consumer-friendly parking system provides several means of payment, including cash, credit card and cell phone. Although there is a substantial cost to implement, pay-by plate systems reduce coin collection costs, improve enforcement, potentially reduce violations and tickets, and can increase meter revenue by up to 25%. Payment by cell phone enables drivers to add time to their meter, rather than risk a violation. Additionally, eliminating single-space meter poles would improve the streetscape in Downtown. One or two meter poles in each block could be retained and repurposed for bicycle parking.

It is estimated that 100 kiosks would be needed to replace the existing 946 single-space, on-street parking meters in Downtown. Consideration should also be given to coordination with KU on developing a seamless "Park Lawrence" system.

*Estimated Cost to Implement:* \$800,000 to \$900,000

*Estimated Timeframe:* 12 Months

- (16) **Add multi-space, pay-by-plate kiosks in the off-street parking facilities.** The replacement of existing meters in surface lots and multi-space kiosks in the garages would improve customer service and improve enforcement. It is estimated that 20 kiosks would be required to replace the existing equipment in all of the facilities.

*Estimated Cost to Implement:* \$160,000 to \$180,000

*Estimated Timeframe:* 12 Months

- (17) **Acquire license plate recognition software and vehicles to enforce on- and off-street parking.** The implementation of pay-by-plate metered parking will enable enforcement using license plate recognition (LPR) software. We recommend that two vehicles be acquired and outfitted with LPR hardware and software for use by the City's PCOs. The LPR equipment can also be used to enforce time limits in the surface lots and garage and may eventually be used to enforce neighborhood parking restrictions.

*Estimated Cost to Implement:* \$60,000

*Estimated Timeframe:* 6 Months



- (18) **Acquire software or develop a web portal allowing for online payment of parking violations and purchasing of monthly/annual parking permits.** The ability to use credit cards for the payment of fines and purchasing permits is an essential convenience for customers. While citation recipients can currently use a credit card to pay once a late fee has been assessed, they are not permitted to pay for a basic \$5.00 citation online. It is time to eliminate the 20+ pay boxes on the street and replace them with an on-line system, in conjunction with the existing payment window at the Municipal Court office. Although there are costs associated with implementing and running an on-line system, there are labor savings in processing checks which help to offset these costs. The parking payment portal should be coordinated with the City's existing on-line payment portal to minimize costs.

*Estimated Cost to Implement:* \$15,000 - \$25,000

*Estimated Timeframe:* 12 Months

- (19) **Increase the rate charged on Massachusetts Street from \$0.50/hr. to \$1.00/hr.** It is recommended that meter rates be increased for the spaces on Massachusetts Street from \$0.50 to \$1.00 per hour. This should be done in conjunction with the introduction of credit card enabled meters. The spaces on Massachusetts Street are the City's most productive and most highly utilized and, as such, should be more expensive than less convenient spaces. The increased parking rate is intended to encourage longer-term and more price-sensitive parkers to use spaces along Vermont and New Hampshire streets, as well as to encourage turnover of the most desirable spaces in Downtown. Additionally, compared to the on-street parking rates charged in comparable municipalities (presented in the Appendix), the rates charged at the City's meters are on the very low end of the spectrum.

Given the popularity of the destinations on Massachusetts Street and the proposed cost to park of \$1.00/hour, it is anticipated that a majority of parkers will still choose spaces on Massachusetts if they are available, as opposed to parking farther away at a lower cost. Based on the current annual revenue generated by the parking meters on Massachusetts Street, it is anticipated that this parking rate increase could yield at least \$300,000 in additional revenue annually.

*Estimated Cost to Implement:* Nominal (minimal staff time)

*Estimated Timeframe:* 1 Month

- (20) **Increase the rate charged at 10-hour meters and 10-hour garage spaces to \$0.20/hr.** The current fee for 10-hour paid parking of \$1.00 equates to a cost of \$0.10 per hour. A fee this low neither covers the City's cost to provide parking, nor any incentive for Downtown patrons to consider alternative transportation modes. The proposed rate of \$0.20 per hour (\$2.00 per day) is intended to continue to provide a low-cost option for Downtown employees and visitors, while also allowing the City to fund future parking improvements. Again, this rate increase is recommended to be done in conjunction with the introduction of credit card enabled meters.

Based on existing revenue generated by the paid 10-hour spaces in Downtown (non-permit revenue), it is anticipated that the proposed parking rate increase could generate an additional \$100,000 annually.

*Estimated Cost to Implement:* Nominal (minimal staff time)

*Estimated Timeframe:* 1 Month

- (21) **Increase permit rates from \$192/yr. to \$240/yr.** Current Downtown parking permit rates are the equivalent of less than \$1.00 per day. It is recommended that the rate be increased to \$240 per year, or approximately \$1.00 per day. While a slight increase over the current rate, this permit will continue to provide Downtown employees a low-cost parking option.

Based on existing revenue generated through the sale of parking permits, this change is projected to generate an additional \$25,000 annually.

*Estimated Cost to Implement:* Nominal (minimal staff time)

*Estimated Timeframe:* 1 Month

- (22) **Increase initial fines for metered/timed parking violations to \$10.00 and on repeat offenders to \$100, with booting/towing automatically after 3 unpaid tickets.** In the parking industry, it is a best practice to price overtime/non-payment parking violations at 10 to 15 times the hourly cost of parking. This pricing structure is intended to encourage payment of the meters and compliance with time limit regulations. If the fine for a violation is too low, parkers are more likely to take their chances on receiving a violation, as opposed to paying for the time they are parked or moving their vehicles within the posted time limit. If the parking rate on Massachusetts Street is increased to \$1.00 per hour, as recommended, then the fine amount for overtime/non-payment violations should be increased in order to maintain the proper cost ratio.

*Estimated Cost to Implement:* Nominal (minimal staff and City Attorney time)

*Estimated Timeframe:* 1 Month

- (23) **Establish a monthly (overnight) permit for downtown residents in one of the garages.** With the recent growth in residential units in the Downtown District and no requirement for downtown land uses to provide parking, the need for overnight parking for downtown residents has become evident. Technically, parkers are currently not permitted to park for more than 48-hours consecutively in free City spaces, although this is not generally enforced. Additionally, parking is permitted in metered spaces without payment after 6PM and prior to 9:30AM. Because of these two circumstances, as employees arrive to Downtown, it is often the case that long-term parking spaces throughout the city are still occupied by Downtown residents.

In an attempt to alleviate this situation, it is recommended that a residential permit be created to allow for overnight vehicle storage in the lower level of the Riverfront Garage for a nominal fee (perhaps \$25/year). The intent of this type of permit is to minimize the conflict between residential and office parking users, which is evident in several of the downtown lots.

In order to provide further incentive for residents to use this program, it may also be necessary to institute “No Parking” regulations in several long-term lots between the hours of 5AM and 9:30AM, except for parkers who have a regular Downtown parking permit. This policy would still allow employees to park in long-term spaces more proximate to the activity centers in Downtown, while preventing non-permit holding residents from using the spaces until the parking meters are active.

*Estimated Cost to Implement:* Nominal (minimal staff and City Attorney time)

*Estimated Timeframe:* 1 Month

- (24) ***Change existing parking ordinance relative to meter feeding.*** At present, it is illegal to extend a parking session at a metered space beyond the posted time limit. The goal of this policy is to prevent people from remaining parked in the same space all day, reducing availability for other potential parkers. However, based on observations of parking activity in Downtown Lawrence, the practice of meter feeding does not appear to be a widespread issue. As noted previously, even for the most desirable spaces on Massachusetts Street, only about 2% of the 690 vehicles observed parking remained parked at a space for longer than the posted 2-hour limit.

As new technology is implemented which will allow parkers to more easily pay for their parking time, parkers should be given the option to extend their parking stay one additional period beyond the posted time limit. For instance, a person parking at a 2-hour meter would be permitted to remain parked in the same space for up to a total of 4 hours, assuming they pay for their full parking time. This change in policy will help prevent parkers from feeling rushed to complete their business in Downtown for fear of receiving a parking citation, if they must stay longer than originally planned. Conversely, the proposed increased parking rates should limit any potential abuse of this policy.

*Estimated Cost to Implement:* Nominal (minimal staff and City Attorney time)  
*Estimated Timeframe:* 2 Months

- (25) ***Restripe parking lots to increase the number of spaces.*** One of the easiest ways to increase the parking supply in a downtown is to improve the efficiency of the layouts of existing parking lots. This can be accomplished by restriping existing lots to increase the number of spaces. Without compromising safety or functional geometry, we analyzed the layouts of four (4) of the most heavily utilized surface parking lots in Downtown: lots 3, 8, 14, and the Law Enforcement Lot). Based on these analyses, increases in efficiency ranging from 8% to 25% were identified. In total, reconfiguring and restriping could increase the number of spaces in these four lots by 87 total spaces. This is equivalent to an increase of about 4% in the supply of off-street public parking in Downtown.

In some cases, if these parking lots were reconfigured as proposed in the layouts presented in the Appendix, there would be a reduction in the total amount of landscaping, in violation of current City Code. We do recognize that providing sufficient landscaping and tree cover is both required by Code and desired by the citizens of Lawrence, in order to provide residents and visitors a more pleasant experience when coming to Downtown. The proposed reconfigurations of these surface parking lots are intended to stave off the need to build more structured parking in the future and can be adjusted to include the landscaping and tree cover required by the current City Code. However, if the density of Downtown and the associated parking demand increases to a point where additional parking capacity is an absolute necessity, consideration should be given to modifying the existing Code in reference to parking lot design on a case-by-case basis.

If this recommendation is implemented, the reconfiguration/restriping could be phased to coincide with regular maintenance of the lots and the installation of pay-by-plate kiosks, in order to reduce costs.

*Estimated Cost to Implement:* ~\$100,000  
*Estimated Timeframe:* 6 Months

- (26) **Review lighting in all parking facilities and replace where appropriate with energy-efficient fixtures.** Energy-efficient lighting fixture prices have decreased significantly in recent years. Coupled with incentives from electric utilities, there is little reason to delay upgrading lighting in parking facilities, where those upgrades have not already been completed or are not already planned. Additionally, customer service and patron safety can be improved through lighting enhancements. For these reasons, it is recommended that all facilities be surveyed to determine the need for and cost to upgrade lighting.

*Estimated Cost to Implement:* TBD

*Estimated Timeframe:* TBD

- (27) **Extend meter hours in active areas to 9PM on weekdays and Saturdays.** Given the high activity levels in downtown Lawrence in the evenings on both weekdays and Saturdays, it is recommended that meter enforcement be extended until 9PM. The extended enforcement hours will enable the system to capture revenue from patrons of the City's many bars and restaurants. The primary cost associated with extending the hours of enforcement will be for additional PCOs or extended hours by the current PCOs. However, with the implementation of pay-by-plate technology, the number of PCOs required to enforce the City's current parking regulations and hours of enforcement should be reduced significantly. Enforcement personnel shifts could then be adjusted to cover the additional three (3) hours of enforcement each day, at little to no additional cost.

From a revenue perspective, if only 25% of the existing 707 on-street metered parking spaces that cost at least \$0.50/hour are occupied an additional 2 hours a day, 3 days a week, that would represent an additional \$26,000 in revenue annually, not including citation revenue.

*Estimated Cost to Implement:* Nominal

*Estimated Timeframe:* 6 Months

- (28) **Institute regular rate increases.** One of the most difficult parts of managing a parking system is convincing the public and governing entities of the value of regularly increasing parking rates. Because it is difficult politically, the decision to increase rates is generally deferred until financial need dictates. For this reason, it is recommended that regular rate increases be part of the City's plan of operation in the future. These increases should at least keep pace with cost of living increases. A ten percent increase in rates and fine amounts every 3 – 4 years would provide a relatively painless way to keep the parking system solvent, as salaries and other costs increase.

*Estimated Cost to Implement:* Nominal

*Estimated Timeframe:* 3 – 4 years

- (29) **Implement demand management strategies.** Before investing in additional structured parking in the downtown, consideration should be given to implementing efforts to reduce parking demand for employees and residents. There are a number of techniques readily available to reduce parking demand. A few of the more popular are:

- No longer provide free parking for City/County employees and/or begin providing transit benefits
- Implement an employee transit pass program for downtown and/or City/County employees

- Provide bicycle parking and other Infrastructure and amenities such as showers and lockers
- Encourage carpooling by reserving the best, most convenient parking for carpoolers
- Offer tax advantaged (pre-tax) incentives for City/County workers who use transit
- Develop a bike share program citywide and/or at certain locations Downtown
- Encourage “Walk There or Bike There” campaigns

*Estimated Cost to Implement:* TBD

*Estimated Timeframe:* 3 – 4 years

DRAFT



**Table 11 – Parking Operations and Development Plan Recommendations**

Recommendation	Anticipated Cost	Anticipated Timeline for Implementation
Establish a head of the parking operation	\$55,000 - \$65,000	3 - 6 Months
<b>PHASE I</b>		
1. Eliminate the designation of on-street parking spaces for use only by the residents of one particular property	Nominal	3 Months
2. Forbid charter bus and other large vehicle parking within designated neighborhoods	Nominal	3 Months
3. Remove the 2-hour meters from the 300 block of W. 9th Street	Nominal	1 Week
4. Replace existing 5-hour meters with 10-hour meters	Nominal	1 Month
5. Change a number of 2-hour meters to 10-hour meters	Nominal	1 Month
6. Change 15- and 30-minute meters to 2-hour meters	Nominal	1 Month
7. Increase the cost of right-of-way (meter bagging) permits	Nominal	1 Month
8. Investigate the potential of adding parallel parking on the west side of Rhode Island Street	Nominal	1 Month
9. Establish a boot and tow policy to deal with habitual parking violators	Nominal	6 Months
10. Establish a residential permit parking policy for the city's neighborhoods	Nominal	3 Months
11. Review zoning ordinance requirements regarding downtown residential parking	Nominal	6 Months
12. Establish a reserve fund for parking	\$150,000	6 Months
13. Work with Douglas County to solve the parking issues at the Law Enforcement Center	Nominal	6 Months
14. Improve wayfinding signage from Massachusetts Street and major approaches to Downtown to surface parking lots and garages	\$5,000 - \$10,000	6 Months
<b>PHASE II</b>		
15. Add multi-space, pay-by-plate kiosks on-street, which would permit license plate enforcement, use of credit cards and cell phone payments	\$800,000 - \$900,000	12 Months
16. Add multi-space, pay-by-plate kiosks in the off-street parking facilities	\$160,000 - \$180,000	12 Months
17. Acquire license plate recognition software and vehicles to enforce on- and off-street parking	\$60,000	6 Months
18. Acquire software or develop a web portal allowing for online payment of parking violations and purchasing of monthly/annual parking permits	\$15,000 - \$25,000	12 Months
19. Increase the rate charged on Massachusetts Street from \$0.50/hr. to \$1.00/hr.	Nominal	1 Month
20. Increase the rate charged at 10-hour meters and 10-hour garage spaces to \$0.20/hr.	Nominal	1 Month
21. Increase permit rates from \$192/yr. to \$240/yr.	Nominal	1 Month
22. Increase initial fines for metered/timed parking violations to \$10.00 and on repeat offenders to \$100, with booting/towing automatically after 3 unpaid tickets	Nominal	1 Month
23. Establish a monthly (overnight) permit for downtown residents in one of the garages	Nominal	1 Month
24. Change existing parking ordinance relative to meter feeding	Nominal	2 Months
25. Restripe parking lots to increase the number of spaces	\$100,000	6 Months
26. Review lighting in all parking facilities and replace where appropriate with energy-efficient fixtures	TBD	TBD
27. Extend meter hours in active areas to 9PM on weekdays and Saturdays	Nominal	6 Months
28. Institute regular rate increases	Nominal	Every 3 - 4 Years
29. Implement demand management strategies	TBD	3 - 4 Years

Source: DESMAN



APPENDIX 1: DOWNTOWN LAWRENCE PARKING MAP



<http://lawrenceks.maps.arcgis.com/apps/Legend/main/index.html?appid=2f6028a0f5e64ed4b8a3fc0f0210b2e3>



APPENDIX 2: DOWNTOWN PARKING SPACE INVENTORY BY BLOCK AND TYPE

Location	15 min meters	30 min meters	2 hour meters	5 hour meters	10 hour meters	Handi spaces	2 hour free	10 hr spaces	2hr/10hr combo	10 hour Free	Reserve Hotel	Hotel Handi	Reserved Private	City Reserved	Taxi	Totals
600 Kentucky (east)					10											10
700 Kentucky (east)					12											12
700 Kentucky (west)					8											8
900 Kentucky (east)			3													3
600 Vermont (east)			14			1										15
600 Vermont (west)		6	11													17
700 Vermont (east)				2												2
700 Vermont (west)			10			2										12
800 Vermont (east)				18												18
800 Vermont (west)			16	5												21
900 Vermont (east)			6	13		1										20
900 Vermont (west)			2	12		2										16
1000 Vermont (east)					15											15
1000 Vermont (west)			2	20												22
600 New Hampshire (east)			7		1											8
600 New Hampshire (west)			8													8
700 New Hampshire (east)			28			1										29
700 New Hampshire (west)			6	10												16
800 New Hampshire (east)			18	3		2										23
800 New Hampshire (west)	1		8	4		1										14
900 New Hampshire (east)			3													3
900 New Hampshire (west)			4	12												16
1000 New Hampshire (east)			5	6	9	1										21
1000 New Hampshire (west)			4	4	6	1										15
600 Massachusetts (east)	2		27			1										30
600 Massachusetts (west)	2		24			1										27
700 Massachusetts (east)	2		34			1										37
700 Massachusetts (west)	2		33			1										36
800 Massachusetts (east)	2		33			1										36
800 Massachusetts (west)	2		33			1										36
900 Massachusetts (east)	2		34			1										37
900 Massachusetts (west)	2		33			1										36
1000 Massachusetts (east)	2		31			1										34
1000 Massachusetts (west)	2		33			1										36
1100 Massachusetts (east)			6													6
1100 Massachusetts (west)	1		6													7
1200 Massachusetts (west)			7			1										8
7th E 100 blk (north)	2		6													8
7th E 100 blk (south)			7			1										8
7th W 100 blk (north)			7													7
7th W 100 blk (south)			1													1
7th W 200 blk (north)		13														13
7th W 200 blk (south)					4											4
7th W 300 blk (north)					9											9
7th W 300 blk (south)					9											9
8th E 100 blk (north)			8													8
8th E 100 blk (south)			7			1										8
8th E 200 blk (north)			3		3											6
8th E 200 blk (south)					2											2
8th W 100 blk (north)			8													8
8th W 100 blk (south)			9													9
8th W 200 blk (north)			4													4
8th W 200 blk (south)			8													8
9th E 100 blk (north)			5			1									1	7
9th E 100 blk (south)			5													5
9th E 200 blk (north)			4											4		8
9th E 200 blk (south)	2		2													4
9th W 100 blk (north)			8			1										9
9th W 100 blk (south)			8													8
9th W 200 blk (north)			7													7
9th W 200 blk (south)			8													8
9th W 300 blk (north)			5													5
10th E 100 blk (north)			8													8
10th E 100 blk (south)			7			1										8
10th W 100 blk (north)			7			1										8
10th W 100 blk (south)			6													6
10th W 200 blk (north)					7											7
10th W 200 blk (south)					5											5
11th E 100 blk (south)			5			4										9
11th W 100 blk (north)			5			1										6
11th W 100 blk (south)			7													7
11th W 200 blk (north)					2											2
11th W 200 blk (south)					4											4
North Park W 100 (south)			8		20	1										29
LEC Lot			14			3				205				3		225
Lot #2						2	69									71
Lot #3						6	160									166
Lot #4					16	3	66									85
Lot #5						4	77									81
Lot #7			8		34	3								1		46
Lot #8 WEST					48	3										51
Lot #8 EAST					48	2										50
Lot #9					36	2										38
Lot #10					29	3	33									65
Lot #11					17	2								2		21
Lot #12						1	26									27
Lot #14						2	34									36
Lot #15					35	1										36
Lot #16					43											43
Lot #17			23			2										25
700 New Hampshire Lot			10		25	4		22								61
NH Garage-Basement						3			102				13	8		126
NH Garage-1st floor (main)						7	90							3		100
NH Garage-2nd floor						3		125								128
NH Garage-3rd floor (top)						3				132						135
Riverfront Garage (top)						11	68				109	4				192
Riverfront Garage (Ramp)									47							47
Riverfront Garage (bottom)								187						42		229
Vermont Garage -4th floor										73						73
Vermont Garage -3rd floor						1		71								72
Vermont Garage-2nd floor						1	34	37								72
Vermont Garage-1st floor						7	58									65
Vermont Garage-basement								22					6	2		30
	26	19	717	109	457	114	715	464	149	410	109	4	19	65	1	3,378
hotel/res/moped/taxi/bus/emergency/loading																(198)
Total Usable Spaces																3,180

### **APPENDIX 3: SAMPLE BOOT AND TOW ORDINANCE**

Moving, impoundment of vehicles; sale of impounded vehicles, and immobilization of vehicles

- (1) *Unlawful standing.* Any police officer who finds a vehicle standing upon a street or highway in violation of this chapter may move the vehicle or require the driver or other person in charge of the vehicle to move it to a position off the roadway.
- (2) *Unattended vehicle on street, highway, bridge or tunnel.* Any police officer may remove or cause to be removed to the nearest vehicle pound or other place of safety any unattended vehicle unlawfully left standing upon any street, highway, bridge, causeway or in any tunnel.
- (3) *Impoundment and immobilization.* Any police officer, parking enforcement officer, or parking management service, as defined in \_\_\_\_\_ may remove or cause to be removed to the nearest vehicle pound or other place of safety any vehicle found upon a highway when:
  - a. Report has been made that the vehicle has been stolen or taken without the consent of its owner;
  - b. The person in charge of the vehicle is unable to provide for its custody or removal;
  - c. The person driving or in control of the vehicle is arrested for an alleged offense for which the officer is required by law to take the person arrested before a proper magistrate without unnecessary delay;
  - d. The vehicle is stopped, except when traffic congestion makes movement impossible, on a controlled access highway which is a part of the national system of interstate and defense highways, for more than eight hours, unless the vehicle constitutes a traffic hazard, in which case it may be removed immediately; or
  - e. The vehicle is without a current license tag, current registration or the proper inspection sticker.
  - f. The vehicle is immobilized through the use of a vehicle immobilization device as defined at section \_\_\_\_\_ of the City of Lawrence Code of Ordinances, and all associated tickets, fees and fines have not been paid in full to the City of Lawrence within 24 hours of immobilization.
- (4) *Authority to sell; notice.* When any vehicle is left on the streets and it becomes necessary for the department of police to take charge of the vehicle in order to preserve the safety of travel on the streets and the department of police does take charge of the vehicle and removes the vehicle and places the vehicle in storage, the vehicle shall be safely kept for 60 days. If after 60 days the vehicle shall be unclaimed by a person making the necessary proof of title, the police chief shall, for two days, put an advertisement in the newspaper in which the city's advertisements are published, describing the vehicle to be sold and giving such information about the vehicle as will put the owner or other persons having knowledge thereof in possession of the facts, stating that the property is in the police chief's possession or control and that, at the expiration of 20 days, it will be exposed for sale. The advertisement shall also state the time and place the vehicle shall be sold and that the proceeds shall be turned in to the city treasury. However, the advertisement shall also state that, within 20 days of the last advertisement provided for in this subsection, any person making satisfactory proof of title or any person who shall claim title to the vehicle shall have the right to request a hearing before the police chief or the police chief's designee to establish, by evidence,

proof of title to the vehicle claimed. Upon request for a hearing, the police chief or the police chief's designee shall, within ten days, set a time and place for the hearing and shall notify the person claiming title to the vehicle of the hearing.

- (5) *Conduct, record of sale.* At the time named in the notice pursuant to subsection (d) of this section, the police chief or some officer authorized by the police chief, shall proceed to the place where the vehicle is stored and expose the vehicle for sale and sell the vehicle to the highest bidder for cash. A record shall be kept of such sale showing each vehicle sold, with a description corresponding to the advertisement, the name of the purchaser and the amount received therefor.
- (6) *Disposition of proceeds.* The police chief shall turn the proceeds of the sale into the parking fund of the city, keeping such a record thereof as may serve to identify the vehicle with the proceedings required in this section. The city manager is authorized to pay to a wrecker or storage garage which has an agreement or contract with the city the towing and storage fees on impounded vehicles or the sales price of the impounded vehicle, if such should be less than the towing and storage fees.
- (7) *Police use of vehicles.* The vehicles which have been processed for sale at public auction, as provided by this section, may, in the discretion of the police chief, be utilized by the department of police for a period not to exceed 90 days before being subjected to sale, as otherwise provided by this section.
- (8) *Immobilization of vehicles.* Any sworn police officer or parking enforcement officer may cause a vehicle to be immobilized if the vehicle has been issued a minimum of three (3) unsatisfied delinquent parking tickets. The charge for the immobilization of vehicles under this section shall not exceed \$50.00 per day for the removal of the vehicle immobilization device or devices. Neither the city nor its parking management service shall have liability for any damage, vandalism or theft of any immobilized vehicles.



## **APPENDIX 4: SAMPLE RESIDENTIAL PERMIT PARKING ORDINANCE**

### **Legislative Purpose.**

It is the legislative purpose of the Commission of the City of Lawrence to assist, when feasible, residents of areas of the City who suffer adverse effects from vehicular congestion resulting from the existence of limited numbers of curbside parking spaces and large numbers of non-residents competing with residents for curbside parking spaces and/or from parking regulations designed to control the flow of vehicles which ultimately work a hardship on residents of such areas. The adverse conditions include, but are not limited to, hazardous traffic conditions, air pollution, excessive noise and refuse, unreasonable burdens in gaining access to residences, reduced traffic safety, reduced pedestrian safety, particularly for children and senior citizens, blocked fire lanes and fire hydrants, reduced efficiency in the movement of emergency vehicles, and general reduction in the quality of life. It is the further intent of the Commission to encourage the use of mass transportation and other alternate modes of transportation.

### **Definitions.**

For the purpose of this Chapter:

- (a) *Residential permit parking zone* means a contiguous area no less than three (3) blocks in size where curbside parking on public streets is limited to vehicles properly displaying a parking permit authorized by this Chapter between the hours of 6:00 A.M. and midnight from Monday through Saturday, except on legal holidays.
- (b) *Block* means one or both sides of any street between street intersections, dependent upon whether or not parking is legally permitted on one or both sides of the street.
- (c) *Parking permit* means either a resident parking permit or a guest parking permit authorized by this Chapter.
- (d) *Vehicle* means an automobile, motorcycle, motor-driven cycle, or van or passenger utility vehicle intended primarily for personal use and not exceeding twenty-two (22) feet in length.
- (e) *Leased vehicle* means a vehicle owned by a leasing business which is being provided to an individual through a leasing contract. A vehicle leased from one individual to another individual is not a leased vehicle for purposes of this Chapter.
- (f) *Company car* means a car, the vehicle registration of which reflects that it is owned by a corporation. A privately-owned car used by an individual for company business is not a company car for purposes of this Chapter.
- (g) *Temporary student resident* means a person enrolled full time in a college, university, trade or business school, residing in a permit parking zone for an academic term, whose vehicle is registered to his/her permanent address.

### **Designation of Permit Parking Zones.**

- (1) The Commission may by Ordinance designate residential permit parking zones when it determines that residents of the proposed permit parking zone are adversely affected by entry into the area and curbside parking by non-residents in motor vehicles and/or by parking regulations in effect which are designed to control use of curbside parking but work a hardship on area residents, only if all of the following conditions are met:

- (a) At least one resident of each of at least sixty percent (60%) of the dwelling units has completed a formal petition for designation of the block as a residential permit parking block.
  - (b) A parking study determines that at least twenty-five percent (25%) of the vehicles parked in the proposed residential permit zone during the time periods requested for the permit are not owned by residents of the proposed zone.
  - (c) A parking study determines that at least eighty-five percent (85%) of available on-street parking in the proposed residential permit zone is occupied at any time during the time periods requested for the permit.
  - (d) At least eighty percent (80%) of the occupied frontage, at ground level, of each block in the proposed residential permit parking zone is in use for residence purposes.
- (2) Where permit parking zones abut, an overlapping zone shall be created, to extend one block into each of the abutting zones, in which permits from either of the abutting zones shall be valid.
- (3) Subject to the approval of the City Commission, residential permit parking zones created pursuant to this Chapter shall be revoked upon occurrence of both of the following conditions:
- (a) A petition requesting revocation of part or all of the residential permit parking zone, signed and dated by one resident of each of at least fifty-one percent (51%) of the dwelling units in the zone, is submitted to the City Clerk. If the petition requests revocation of only part of a residential permit parking zone, the size of the remaining zone must still meet the three-block minimum size requirement for a residential permit parking zone, and;
  - (b) A parking study determines that less than seventy-five percent (75%) of available on-street parking in the residential permit parking zone, or part thereof sought to be revoked, is occupied during the time periods that parking is restricted.
- (4) When a residential permit parking zone is created pursuant to this Chapter, the zone must remain in force for a minimum of twenty-four (24) consecutive months before it becomes eligible to be revoked under the provisions of subsection (3) of this Section

**Posting of Signs.**

- (1) Upon designation of Commission of a permit parking zone, the Public Works Department shall erect signs which shall be of such a character as to inform an ordinarily observant person of the restrictions.
- (2) Upon erection of the necessary signs, parking in the residential permit parking zone shall be restricted to only vehicles displaying valid resident or visitor parking permits or to a vehicle parked legally for up to fifteen (15) minutes in a twenty-four (24) hour period if its hazard indicator lights are flashing.
- (3) Upon creation, revocation or modification of a residential permit parking zone pursuant to this Chapter, the Public Works Department shall install, remove or modify the pertinent parking zone signage, as appropriate.

**Issuance of Resident Parking Permits.**

- (1) Subject to the provisions of this Section, the City Clerk's Office shall issue one (1) resident parking permit for the vehicle described in the application to an applicant who has submitted a completed permit application and an annual permit fee of fifteen dollars (\$15.00) for the first vehicle in a household; thirty dollars (\$30.00) for the second vehicle in a household; seventy-five dollars (\$75.00) for the third vehicle in a household; and one hundred dollars (\$100.00) for the fourth or more vehicles in a household; provided, however, that in determining the number of vehicles in a household, the Clerk's Office shall not count motorcycles or motor-driven cycles; and provided, further, that the annual fee for each motorcycle or motor-driven cycle shall be fifteen dollars (\$15.00).
- (2) Resident parking permits shall remain valid for a period of one calendar year, at the end of which time the applicant must pay the prescribed annual fee in order to renew the permit.
- (3) Except as provided in subsection (4) of this Section, no resident parking permit shall be issued for a vehicle when its owner and principal operator does not reside within the permit parking zone for which the resident parking permit is sought.
- (4) Except as provided in subsection (4) of this Section, no resident parking permit shall be issued for a vehicle when the applicant is not the owner and/or principal operator of that vehicle.
- (5) The provisions of subsections (1), (2) and (3) of this Section may be waived when an applicant establishes to the satisfaction of the City Clerk's Office that he or she is a resident of the permit parking zone for which a permit is sought, that he or she is the principal operator of the motor vehicle for which a permit is sought, and that the vehicle is either a leased vehicle or a company car supplied to the applicant by his or her employer for general use.
- (6) Notwithstanding the previous subsections (1), (2), (3), and (4) of this Section, the City Clerk's Office shall not issue a Resident Parking Permit to any applicant when that applicant has three (3) or more unpaid parking violation fines, until such fines are paid or until the applicant has entered into a payment agreement satisfactory in its terms to and with the Municipal Court for the payment of the unpaid fines.

**Transfer of Resident Parking Permits.**

- (1) Upon submission by the holder of a resident parking permit of a transfer fee of five (\$5.00) dollars and a permit transfer application, the City Clerk's Office shall issue a new resident parking permit to the applicant for transfer to a qualifying vehicle.
- (2) The transfer of a resident parking permit shall not affect its expiration date.

**Issuance of Guest Parking Permits.**

- (1) Upon request of a resident parking permit holder and submission of the appropriate fee, the City Clerk's Office shall issue to the applicant guest parking permits valid for one calendar day for use by a bona fide guest of the applicant or by a person doing business with the applicant.
- (2) Guest parking permits will be priced as follows:
  - (a) Five dollars (\$5.00) for fifteen (15)
  - (b) Ten dollars (\$10.00) for thirty (30)

- (c) Fifteen dollars (\$15.00) for forty-five (45)
- (3) Guest parking permits not used during the calendar year shall not be valid during the next calendar year and the fee paid for such unused permits shall not be refundable.
- (4) The City Clerk's Office shall have the right to limit the number of guest parking permits issued to a household at any single purchase, or in any period of time during the calendar year, or in total during any calendar year.

**Use of Resident Parking Permits and Guest Parking Permits.**

- (1) All resident parking permits and guest parking permits shall be displayed in or on vehicles in the manner prescribed by the Police Department.
- (2) A parking permit shall not guarantee or reserve a space within a permit parking zone. A parking permit shall not authorize the stopping, standing, or parking of any vehicle in such places and during such times as the stopping, standing, or parking is prohibited or set aside for specific types of vehicles. A parking permit shall not excuse the observance of any traffic regulation.
- (3) Whenever the holder of a parking permit, or the vehicle for which the permit was issued no longer fulfills one or more of the applicable provisions of this Ordinance, the holder shall surrender the parking permit in the manner prescribed by the City Clerk's Office.
- (4) Until its expiration, surrender, or revocation, a parking permit shall remain valid for such time as the holder continues to reside within the same permit parking zone.
- (5) A parking permit shall be valid only in the permit parking zone for which it is issued except in the case of overlapping zones as set forth in subsection (2) of Section "Designation of Permit Parking Zones" of this Chapter.
- (6) For the purposes of this Chapter the person to whom a resident parking permit is issued shall be deemed its holder and shall be responsible for the use or misuse of any parking permit issued to him or her.
- (7) No vehicle shall display any ticket, tag, handbill, or other writing simulating or in imitation of a residential parking permit or temporary parking permit.

**Rules and Regulations.**

- (1) The City Clerk's Office, Public Works Department and Police Department shall promulgate rules and regulations relating to their respective obligations to implement and enforce the provisions of this Chapter.
- (2) When promulgating rules and regulations, the City Clerk shall make every reasonable effort to devise methods to preserve the integrity of the permit parking system.

**Penalty.**

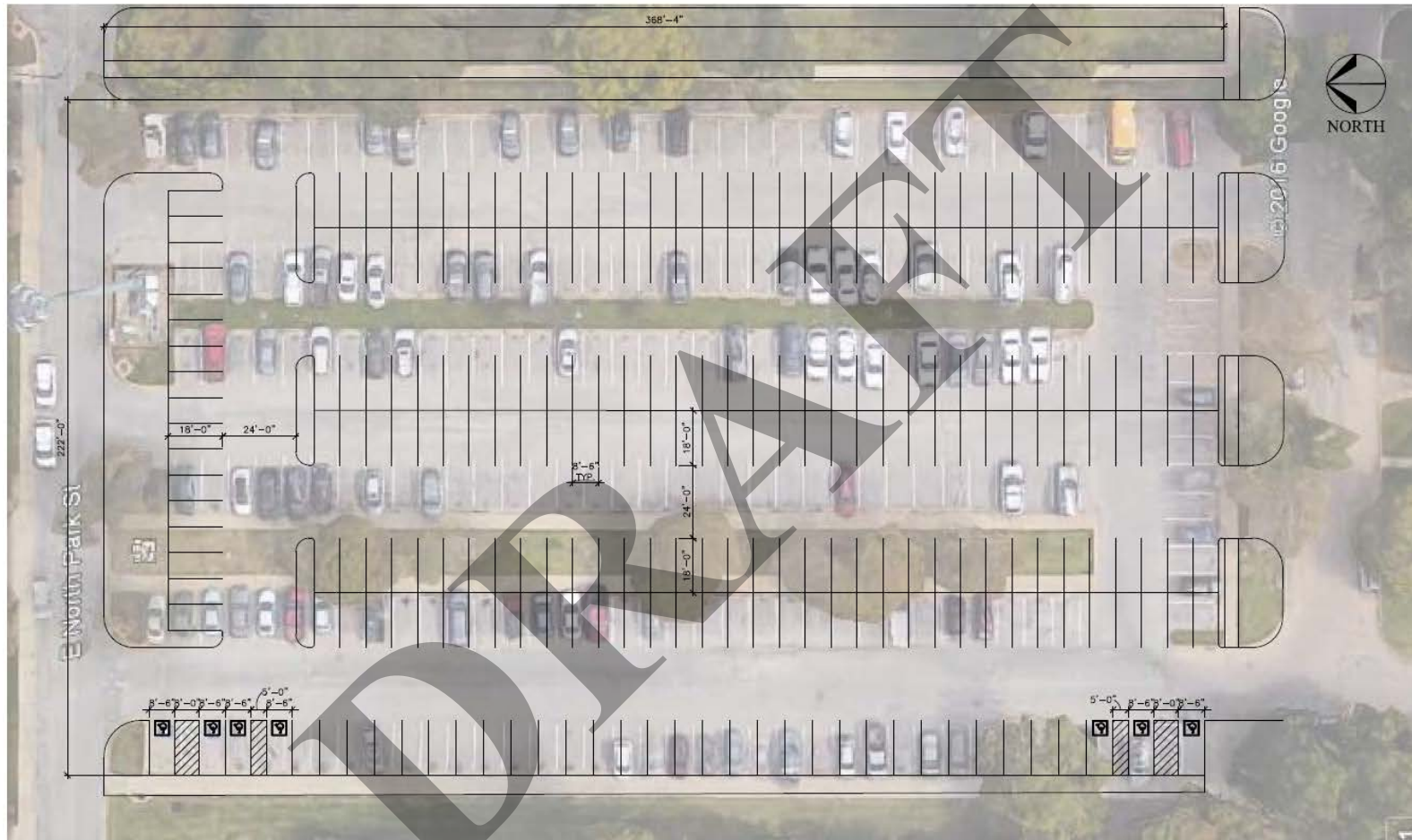
- (1) Any person violating any provision of this Chapter shall be subject to revocation of his or her permit and, upon summary conviction, be fined one hundred dollars (\$100.00) for each violation together with the costs of prosecution.

**APPENDIX 5: CHARACTERISTICS OF PUBLIC PARKING IN COMPARABLE MUNICIPALITIES**

City	State	Population	Number of Metered Spaces	Number of Lots	Number of Garages	Off-Street (Hourly)	Off-Street (Daily Max)	Garage (Monthly)	Surface Lot (Monthly)	On-Street (Hourly)	On Street Hours of Operation	Overtime Meter Fee	Late Payment Fee	Duration Before Late Fee
Austin	Texas	885,400	>3,000	36	27	\$5.00+\$2.50/hour	\$21	\$180	N/A	\$1.00-\$1.20	Mon-Wed 8AM-6PM, Thurs-Fri 8AM-12AM, Sat 11AM-12AM	Varies	30% of original	Varies
Bloomington	Indiana	82,575	-	4	3	\$0.50-\$1.00 1st 3 hrs free certain facilities	\$4.50-\$10.00	\$40-\$76	N/A	\$1.00	Mon-Sat 9AM-9PM	\$20	\$40	14 Days
Missoula	Montana	69,122	135	2	2	\$1.00	\$9.00	\$65-\$75	\$35-\$55	\$1-\$2 plus \$0.50 each hour	Mon-Fri 9AM-5PM	\$5-\$20	\$5-\$20	30 Days
Manhattan	Kansas	56,143	0	0	0	time limits only	time limits only	N/A	N/A	N/A	Mon-Fri 8AM-5PM	\$15	\$10-\$25	3 Days
Kansas City	Missouri	467,007	1,500	3	9	\$3.00-\$4.00	\$12.00-\$15.00	\$55-\$120	\$40	\$1.00	Varies by Meter	Varies	Varies	15 Days
Evanston	Illinois	75,570	1,769	25	3	\$1.00-\$3.00 1st hr free	\$13.00	\$85	\$50-\$85	\$1.00	Mon-Sat 8AM-9PM	\$40	\$35	10 Days
Iowa City	Iowa	71,591	1,142	3	5	\$0.75-\$1.00 1st hr free certain facilities	\$18.00-\$24.00	\$85	\$85	\$0.75-\$1.50	Mon-Sat 8AM-6PM	\$7-\$25	\$5	30 Days
Boulder	Colorado	103,166	-	5	5	\$1.25-\$2.50	\$55.00	\$137	\$70-\$80	\$1.25	Mon-Sat 9AM-7PM	\$15	\$15	14 Days
Morgantown	West Virginia	30,666	2,202	9	4	\$0.75-\$1.25	\$7.50	\$50-\$70	None	\$0.75-\$1.00	Mon-Sun 12AM-12PM	\$5	\$5	10 Days
Corvallis	Oregon	55,298	>600	7	0	Permit Only	Permit Only	N/A	\$20-\$25	\$0.25-\$1.50	Mon-Sat 9AM-5PM	\$10	\$5	10 Days



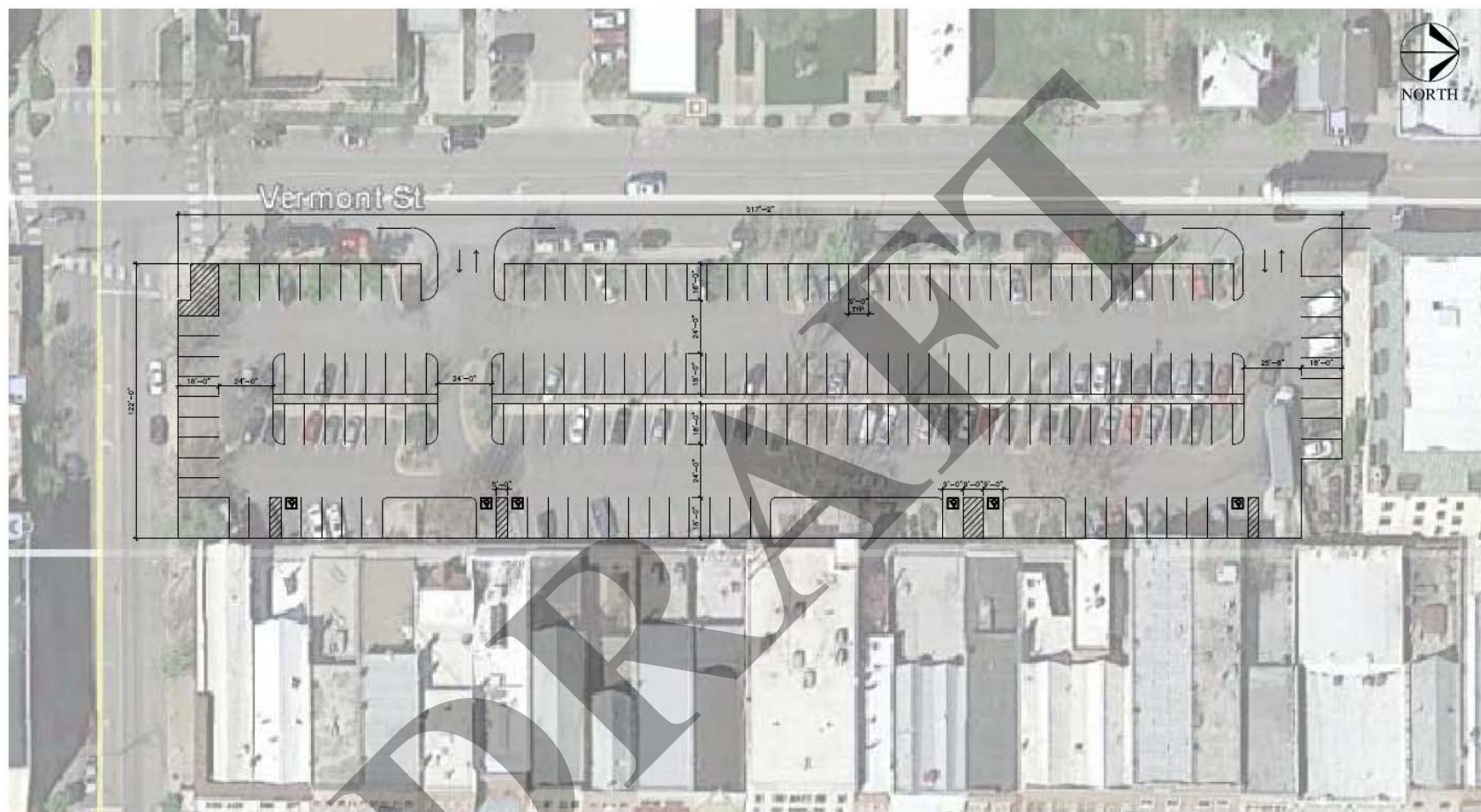
**APPENDIX 6: SAMPLE PARKING LOT RECONFIGURATIONS/RESTRIPING**



March 2017

Law Enforcement Parking Lot  
263 Spaces (+42 Spaces)  
Lawrence, KS





February 2017

**Parking Lot 3**  
182 Spaces (+15 Spaces)  
Lawrence, KS





February 2017

Parking Lot 8  
119 Spaces (+18 Spaces)  
Lawrence, KS







February 2017

Parking Lot 14  
48 Spaces (+12 Spaces)  
Lawrence, KS



**From:** Jenna Sheldon-Sherman [<mailto:jsheldonsherman@gmail.com>]

**Sent:** Wednesday, July 05, 2017 8:26 PM

**To:** [jonathan.holley@gouldevans.com](mailto:jonathan.holley@gouldevans.com); [wilbur45@sunflower.com](mailto:wilbur45@sunflower.com); [macloney@yahoo.com](mailto:macloney@yahoo.com); [erik.wisner@gmail.com](mailto:erik.wisner@gmail.com); [john.gascon@edwardjones.com](mailto:john.gascon@edwardjones.com); [dguntert@lawrenceks.org](mailto:dguntert@lawrenceks.org); [nathancolgate@gmail.com](mailto:nathancolgate@gmail.com)

**Cc:** Jeff Crick <[jcrick@lawrenceks.org](mailto:jcrick@lawrenceks.org)>; Steve Munch <[stevemunch@gmail.com](mailto:stevemunch@gmail.com)>

**Subject:** Opposition to Variance at 1420 Crescent Road

Lawrence Board of Zoning Appeals:

My husband and I are unable to attend this Thursday's Zoning Appeals meeting, but write to oppose David Hamby's request for a variance for the property located at 1420 Crescent Road (Request B-17-00284).

We live at 1508 Crescent Road (three lots down from the property at issue) and strongly oppose granting this variance. There already has been an increase in traffic and parking on Crescent Road from nearby sororities and fraternities, basketball and football games, and university students and faculty. Allowing a variance from the required 56 spaces to only 30 spaces will flood the neighborhood with even more traffic and parking issues. Through its own traffic studies, the city recently recognized these problems, and has been proactive in addressing these issues through traffic calming measures; we are very appreciative of these measures. Granting this variance, however, will counteract them.

We also do not believe the variance request meets the five conditions set forth in Section 20-1309(g)(1) of the Land Development Code.

**Factor 1: The variance arises from conditions created by the applicant.**

Although the variance request arises from conditions unique to the property, such conditions are created by the property owners and not necessary for use of the property. If the owners choose to use this space for other purposes (such as partial retail), the variance would be unnecessary. Thus, the request is undertaken solely for the owner's benefit, at the expense of the surrounding property owners.

**Factor 2: Granting this request will adversely impact the rights of adjacent property owners and residents.**

In its application, the applicant states that it "anticipates the 30 stalls provided will adequately serve their business" and that "granting this variance would not increase the demand for parking in this neighborhood." However, they provide no support for these statements, which are contradicted by the requirements for Fast Food establishments. City staff note that "as of the time this report was written, staff has not been contacted by any property owner expressing concern or objections to the applicant's request." My husband and I have significant concern about this application. We believe that granting the variance will adversely impact the neighborhood.



**Factor 4: Granting the variance will adversely affect public health, safety, order, and convenience.**

As city staff note, "a 26 space deficiency is quite large and could impact on-street parking in the surrounding neighborhood." As parents with a small child, we are concerned that a significant increase in on-street parking will also mean a significant increase in traffic. This is directly contrary to the city's recent efforts to calm traffic in this neighborhood.

**Factor 5: The granting of the variance would be opposed to the general spirit and intent of the Land Development Code.**

The purpose of the code, as stated in Article 20-901.a is to ensure that the off-street parking demands of the land use will be met without adversely affecting surrounding areas. As noted above, if parking at the subject site is insufficient, it will significantly increase both traffic and parking on Crescent Road and in the surrounding neighborhood. Granting this variance will serve only to benefit the applicant, at the expense of current property owners.

Like city staff, we do not believe the requested variance meets all five conditions in Section 20-1309(g)(1), particularly 1, 2, 4 and 5. As city staff notes, the owners can "use the structure, or a portion of the structure, for a less intense use" and we would like to see the applicant reduce the intensity of the use in order to reduce the parking demand.

Thank you very much for your consideration of our email.

All our best,  
Steve Munch and Jenna Sheldon-Sherman