

Memorandum

City of Lawrence

Planning & Development Services

TO: Patrick Watkins, Watkins Law Office
Tony Krsnich, Flint Hills Development Group
CC: File
FROM: Jeff Crick, Planning & Development Services Director
DATE: October 18, 2021
RE: 8th and Penn Neighborhood Redevelopment Zone: Shared Parking Interpretation

Applicant Request

On April 22, 2021, the applicant, Flint Hills Holdings Group, LLC, asked for the following interpretation of the Land Development Code: "The Parking Section on Page 14 of the 8th and Penn Neighborhood Redevelopment Zone Guidelines, and any other supporting materials that support the purported creation of a "shared parking arrangement" which would require individual property owners in the Redevelopment Zone to hold open their off street parking for all other users in the district."

On May 20, 2021, Staff issued a written interpretation of City Code, concluding that the "Design Guidelines 8th and Penn Neighborhood Redevelopment Zone" (Oct. 24, 2006) (rev. Oct. 4, 2011, and Feb. 11, 2020) (hereinafter, "Guidelines"), as incorporated by reference into the City Code at City of Lawrence, Kan., Code § 20-310 (Jan. 1, 2018), as amended, mandate that **all** parking within the subject district be shared parking, including off-street parking located on private property. On July 1, 2021, after a hearing, the Board of Zoning Appeals affirmed that opinion.

On August 2, 2021, applicant filed in the District Court of Douglas County, Kansas, that action, styled *Flint Hills Holdings Group, LLC v. City of Lawrence, Kan., et al.*, Case No. 2021cv2075, challenging, among other things, Staff's May 20, 2021, interpretation of City Code. Based in part on arguments presented in that case, Staff revisits applicant's April 22, 2021, and issues this revised interpretation of City Code.

Applicable Code Sections

Land Development Code:

1. Section 20-308: UC, Urban Conservation Overlay District
2. Section 20-310: Incorporation by Reference of "Design Guidelines 8th and Penn Neighborhood Redevelopment Zone"

8th and Penn Neighborhood Redevelopment Zone Design Guidelines

Interpretation

Intent & Purpose

The City Code requires that all property owners provide Code-compliant parking “to ensure that the off-street parking, loading, and Access demands of various land uses will be met without adversely affecting surrounding areas.” City of Lawrence, Kan., Code § 20-901(a) (Jan. 1, 2018). Additionally, the City Code designates and describes Overlay Zoning Districts as “tools for dealing with special situations or accomplishing special zoning goals.” City of Lawrence, Kan., Code § 20-301(a) (Jan. 1, 2018). Essentially, the intent of applying an overlay district to a base zoning district, as has been done in this case, is to alter the City Code’s standard development regulations, which are then superseded by the district-tailored regulations of the overlay district. Consequently, because of its location, the subject property is subject to the Guidelines, which as noted above, are incorporated into the City Code by reference. *See* City of Lawrence, Kan. Code § 20-310 (Jan. 1, 2018).

Applicability of Standard

In 2006, in the Guidelines, the City developed and adopted a specific set of regulations with the intent of redeveloping the district surrounding 8th and Pennsylvania Street, incorporating the former commercial/industrial area of East Lawrence. While at the same time, it was the goal of the Guidelines to preserve the unique character, development, and architecture of that enclave. It is with that purpose and intent in mind that the Guidelines note: “The mix of uses proposed in the 8th and Penn Neighborhood Redevelopment Zone allows for a reduction in the parking requirements, typical for zoning districts and land uses more closely associated with heavy vehicular traffic.” Guidelines, at 14.

Accordingly, the Guidelines establish Land Use and Development Standards and Design Guidelines for all properties within the district. It is within that portion of the Guidelines that the section governing Parking is included. The Guidelines note: “Mixed-use development cannot easily meet the requirements of traditional zoning districts.” Guidelines, at 11. Moreover, the City Code’s general “[d]evelopment standards that were drafted on the premise of low-density development that segregates and buffers differing land uses from each other through lot size regulations, large setbacks, height and density regulations, and parking minimums limit the development of mixed-use projects.” Guidelines, at 11. The Guidelines specifically note that its development standards, which supersede those that might be found in the City Code, shall apply to any new development within the district. Guidelines, at 12.

From its adoption and first implementation, the Guidelines have encouraged and allowed, within the overlay district, the use of shared parking to reduce the redevelopment burden and parking requirements on the existing historic district and structures therein, while, at the same time, creating a compatible redevelopment that complements East Lawrence and reflects the desired mixed-use pedestrian scale and character of the overlay area. *See* Guidelines, at 14. However, while it encourages and recommends that shared parking be applied throughout the overlay district, the Guidelines do not specifically mandate that all parking within the overlay district be shared parking. That reading does not preclude, however, a party from employing the Shared and/or Off-Site Parking requirements, as adopted in Chapter 20, Article 9 (Parking, Loading and Access) of the City Code. Given

that the development standards of the Guidelines are silent on the matter, they are not in conflict with the Land Development Code, meaning the Land Development Code requirements and provisions would remain applicable and in effect. *See* City of Lawrence, Kan., Code §§ 20-103 and 20-308(f)(2) (Jan. 1, 2018).

In conclusion, while the Guidelines strongly encourage and recommend that properties within the overlay district utilize shared parking, it is Staff's interpretation of the Guidelines, as adopted by the City Code, that the Guidelines do not mandate that **all** parking within the overlay district be shared parking or that shared parking be permitted without compliance with Chapter 20, Article 9 of the City Code. In other words, absent a shared parking agreement, private property owners in the Redevelopment Zone are not required to hold open their off-street parking for all other users in the district

Staff Findings

Accordingly, Staff finds the City's interpretation to be consistent with the noted intent and purpose of the 8th and Pennsylvania Urban Conservation Overlay District, the Guidelines, and the City Code.

Compliance with the Land Development Code

This Code Interpretation is a final decision of the Planning Director and may be appealed to the Lawrence Board of Zoning Appeals within 10 working days from the date of this interpretation, in accordance with City of Lawrence, Kan. Code § 20-1310 (Jan. 1, 2018).

Appeals of the Planning Director's written interpretation may be taken to the Board of Zoning Appeals in accordance with procedures established at City of Lawrence, Kan. Code § 20-1311 (Jan. 1, 2018). If the appeal results in a change of interpretation, then the new interpretation shall be filed in the official record of interpretations maintained by the Planning Director. Staff review/reports required by the Development Code shall not be considered a written interpretation of the Development Code and are not appealable to the Board of Zoning Appeals.

Memorandum

City of Lawrence

Planning & Development Services

TO: Patrick Watkins, Watkins Law Office
Tony Krsnich, Flint Hills Development Group
CC: File
FROM: Jeff Crick, Planning & Development Services Director
DATE: May 21, 2021
RE: 8th and Penn Neighborhood Redevelopment Zone: Shared Parking Interpretation

Applicant Request

"The Parking Section on Page 14 of the 8th and Penn Neighborhood Redevelopment Zone Guidelines, and any other supporting materials that support the purported creation of a "shared parking arrangement" which would require individual property owners in the Redevelopment Zone to hold open their off street parking for all other users in the district."

Applicable Code Sections

Land Development Code:

1. Section 20-308: UC, Urban Conservation Overlay District
2. Section 20-310: Incorporation by Reference of "Design Guidelines 8th and Penn Neighborhood Redevelopment Zone"

8th and Penn Neighborhood Redevelopment Zone Design Guidelines

Interpretation

Intent & Purpose

The City Code requires all property owners to provide code-required parking "to ensure that the off-street parking, loading, and Access demands of various land uses will be met without adversely affecting surrounding areas." City of Lawrence, Kan. Code § 20-901(a) (Jan. 1, 2018). Additionally, the City Code designates and describes Overlay Zoning Districts as "tools for dealing with special situations or accomplishing special zoning goals." City of Lawrence, Kan. Code § 20-301(a) (Jan. 1, 2018). Essentially, the intent of applying an overlay district to a base zoning district, as has been done in this case, is to alter the standard development regulations, which are then superseded by the district-tailored regulations of the overlay district. Consequently, because of its location, the subject property is subject to "Design Guidelines 8th and Penn Neighborhood Redevelopment Zone" (Oct. 24, 2006) (rev. Oct. 4, 2011, and Feb. 11, 2020) (hereinafter, "Guidelines"); *see also* City of Lawrence, Kan. Code § 20-310 (Jan. 1, 2018)(incorporating, by reference, the Guidelines, as amended, into the City Code).

Applicability of Standard

In 2006, in the Guidelines, a specific set of regulations were developed and adopted with the intent of redeveloping the district surrounding 8th and Pennsylvania Street, incorporating the former commercial/industrial area of East Lawrence. While at the same time, it was the goal of the Guidelines to preserve the unique character, development, and architecture of that enclave. It is with that purpose and intent in mind that the Guidelines note: "The mix of uses proposed in the 8th and Penn Neighborhood Redevelopment Zone allows for a reduction in the parking requirements, typical for zoning districts and land uses more closely associated with heavy vehicular traffic." Guidelines, at 14.

Accordingly, the Guidelines establish Land Use and Development Standards and Design Guidelines for all properties within the district. It is within the Land Use and Development Standards of the Guidelines that the section governing Parking is included. The standards note: "Mixed-use development cannot easily meet the requirements of traditional zoning districts." Guidelines, at 11. The general standards of the Land Development Code, "were drafted on the premise of low-density development that segregates and buffers differing land uses from each other through lot size regulations, large setbacks, height and density regulations, and parking minimums limit the development of mixed-use projects." Guidelines, at 11. The Guidelines specifically note that the development standards shall apply to any new development within the district. Guidelines, at 12.

The Guidelines emphasize that intent by providing, "With the anticipated listing of these properties, all work (rehabilitation and new construction) in the redevelopment zone will be reviewed in accordance with the Kansas Historic Preservation Act of 1977, as amended, and, possibly, Section 106 of the National Preservation Act of 1966, as amended, to consider and mitigate the impact of development and adaptive reuse on the historic resources." Guidelines, at 4. Additionally, the Guidelines note that "[i]nherent in these guidelines is the provision of direction to property owners and developers to ensure that changes to properties — rehabilitation, renovation, demolition, and new construction — enhance and complement the unique character of East Lawrence." Guidelines, at 5. The Guidelines further provide that "[o]ne of the virtues of a mixed-use development is that parking areas can be shared by different users at different times." Guidelines, at 14.

Since the creation of the 8th and Penn Neighborhood Redevelopment Zone, the Guidelines have consistently been applied to "[r]egulate exterior scale, massing, design, arrangement, texture, and materials within the conservation zone in order to not only promote compatibility within the development zone, but also to create linkages with the surrounding neighborhoods." Guidelines, at 5. With that end in mind, the Guidelines also admonish: "Mixed-use development cannot easily meet the requirements of traditional zoning districts." Guidelines, at 11.

Based on the intent and purpose noted above, from the adoption and first implementation of the Design Guidelines, the overlay district encouraged and allowed the use of shared parking to help lessen the redevelopment burden and parking requirements on the existing historic district and structures therein, while creating a compatible redevelopment that complements East Lawrence and reflects the desired mixed-use pedestrian scale and character of the overlay area. See Guidelines, at 14.

It is the application of shared parking of those developments, within the district, that has allowed for the reduction of the City Code's minimum parking requirements, lessening the land and infrastructure required to be dedicated to meeting those parking requirements. That has permitted numerous developments or redevelopments to maximize the potential of existing historic structures, while providing parking that can meet the needs for multiple destinations within walking distance of parking, especially when those locations may share patrons. Additionally, shared parking allows the district to account for and to provide parking for users that have different periods when parking demand is highest. See Guidelines, at 14.

The design guidelines and their associated land use and development standards thus are applied district-wide; the purpose and intent was not to view and to require parking to be provided pursuant to schedules and requirements of the base zoning district. To meet the purpose and intent of the Guidelines, within the district, the City approaches parking not from an individual site consideration, but from a broader, district-wide approach and applicability. It is the opinion of the City that the parking requirements were modified and designed distinctly from the base zoning districts, with a prescribed parking view based on the concept of district-wide shared parking.

Because of that interpretation, each entity and development project within the 8th and Penn Neighborhood Redevelopment Zone is allowed to use the entire district's parking (shared parking) to meet the needs of each development, thus lowering the minimum parking that would have otherwise been required of the development, absent the overlay district. It is through that district-wide parking approach that has allowed redevelopment projects to benefit from a lower minimum parking requirement, while ensuring that the 8th and Penn Neighborhood Redevelopment Zone is able to meet the purpose and intent of the district as set forth in the Guidelines.

In summary, to allow a development to reserve parking on its own lot for its own use would be to permit a development to take advantage of the district-wide parking reductions, while at the same time excusing it from the burden of sharing its parking with others in the district. In other words, the development would be taking from but not contributing to the district. It is the opinion of the City that that result is contrary both to the spirit of the 8th and Penn Neighborhood Redevelopment Zone and to the Guidelines.

Staff Findings

Accordingly, Staff finds the City's interpretation to be consistent with the noted intent and purpose of the 8th and Pennsylvania Urban Conservation Overlay District and the Guidelines.

Compliance with Land Development Code

This Code Interpretation is a final decision of the Planning Director and may be appealed to the Lawrence Board of Zoning Appeals within 10 working days from the date of this interpretation, in accordance with City of Lawrence, Kan. Code § 20-1310 (Jan. 1, 2018).

Appeals of the Planning Director's written interpretation may be taken to the Board of Zoning Appeals in accordance with procedures established at City of Lawrence, Kan. Code § 20-1311 (Jan. 1, 2018). If the appeal results in a change of interpretation, then the new interpretation shall be filed in the official record of interpretations maintained by the Planning Director. Staff review/reports required by the Development Code shall not be considered a written interpretation of the Development Code and are not appealable to the Board of Zoning Appeals.



**Application
for
Written Interpretation of the Development Code**

APPLICANT INFORMATION

Name(s) Patrick Watkins
Contact _____
Address 1031 Vermont, Suite 100
City Lawrence State KS ZIP 66044
Phone (785) 843-0181 Fax (____) _____
E-mail patrwatkins@gmail.com Mobile/Pager (785) 550-8794
Pre-application Meeting Date April 1, 2021 Planner Jeff Crick

I AM ACTING AS AGENT FOR:

Name(s) Flint Hills Development Group
Contact Tony Krsnich
Address 7301 Mission Road, Suite 326
City Prairie Village State KS ZIP 66208
Phone (913) 904-6747 Fax (____) _____
E-mail tony@flinthillsusa.com Mobile/Pager (____) _____

Please complete the following or, alternatively, attach a letter to the Planning Director addressing the same issues.

Portion of Development Code to be interpreted (including reference by article and section):

The Parking Section on Page 14 of the 8th and Penn Neighborhood
Redevelopment Zone Guidelines, and any other supporting materials that support
the purported creation of a "shared parking arrangement" which would require
individual property owners in the Redevelopment Zone to hold open their off-street
parking for all other users in the district.



Reason for requesting interpretation:

(Attach supporting diagrams and other documentation if desired.)

See the attached memorandum from our office.



City of Lawrence
Douglas County
PLANNING & DEVELOPMENT SERVICES

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

SIGNATURE

By execution of my signature, I do hereby officially apply for a Written Interpretation of the Development Code as indicated above.

Signature: _____

Date _____

4.22.21

STAFF USE ONLY

Application No. _____

Date Received _____

WATKINS LAW OFFICE
901 NEW HAMPSHIRE STREET, SUITE 200
LAWRENCE, KANSAS 66044

TELEPHONE:
(785) 843-0181

FACSIMILE:
(785) 749-5652

MEMORANDUM

Date: April 23, 2021
To: City of Lawrence, Planning Office
Address: 6 East 6th Street, Lawrence KS 66044
Via email: planning@lawrenceks.org

On March 8th and 30th of this year, emails from the City Planning Department suggest that off-street parking in the 8th and Pennsylvania Street Redevelopment Zone ("the District") must be held open for public use because the Design Guidelines for that District call for "shared parking." The first paragraph of the Parking section on Page 14 of the Design Guidelines has been referenced as the source of this specific land use control. For the reasons discussed in this memorandum, the Design Guidelines do not create such a restriction. A determination by the Planning Director is needed to clarify what the actual directives of the Design Guidelines provide.

I. The plain language of the Design Guidelines does not create a shared parking requirement.

An interpretation of the Design Guidelines should start with its plain language. The introductions to the Parking Section on Page 14 states:

"One of the virtues of a mixed-use development is that parking areas can be shared by different users at different times. For example, a residential parking space could be used by an office user while the homeowner is away during working hours. This results in a neighborhood that is active, more comfortable for the pedestrian and better for the environment..."

This paragraph goes on to state that the ***"mix of uses proposed in the 8th and Penn Neighborhood Redevelopment Zone allows for a reduction in the parking requirements..."*** The Parking section concludes with five paragraphs which identify the actual land use controls for parking, directing: 1) a reduction in parking counts, 2) setbacks for parking lots, 3) screening around parking, and 4) parking lot lighting.

The land use controls for parking are clearly identified in the five paragraphs at the end of the section on Page 14. If a public easement for off-street parking was intended, there would certainly be a directive of such an obligation in this portion of the parking section. Notably, there is no requirement to keep off-street parking lots open for public use or which control the use of off-street parking.

The sentences that refer to a shared-use dynamic in the introductory paragraph, as referenced by the Planning Department, are intended to justify the land use controls set out in the five concluding paragraphs. The introductory language is generic in nature and describes the general

parking benefit that come from a mixture of uses. In contrast to the actual land use restrictions set forth, this description of the virtues of mixed-use developments cannot be interpreted as a directive requiring off-street parking to be held open for public use.

Although the District Design Guidelines have an extensive set of controls and recommendations for the development of properties in the District, the parking requirements are simple. A review of the plain language of Page 14 provides the basis, on its own, to recognize the five clear requirements. Shared use of off-street parking is not a directive identified in this section, or anywhere in the Design Guidelines.

II. Land use controls require provisions to implement and enforce such controls and the Design Guidelines provide no such provisions for shared use of off-street parking.

The Design Guidelines provide concise descriptions for the various land use directives and the methods for implementation of controls that relate to the use of the properties. For instance, to promote mixed-use developments, the Design Guidelines recommend a two-part rezoning to take place sometime after the creation of the Design Guidelines. The Guidelines were updated to note that the rezoning process was accomplished following the passage of the Design Guidelines. Similarly, to avoid the possibility of large-scale commercial users, a limitation of 25% net floor area is recommended for the new zoning category. This land use control was also accomplished through the creation of the overlay district. Even within the parking section, the directives relating to development standards like setbacks and lighting refer to the existing zoning code and provide concise guidance on how such controls can be enforced in the Design Review Process.

A number of implementation and enforcement concerns arise with a purported shared parking arrangement. What informs owners of property, or purchasers or mortgagees, that parking on a particular property must be shared with the public? Is it a covenant running with the land? Is there an easement to be dedicated by the owners of property? Is there a code provision to consider in the overlay zoning designation? There is no guidance or implementation strategy set out in the Design Guidelines. No actual steps have been taken to create this public right in the District. It seems clear that the Design Guidelines did not intend for such a control. To enforce such a land use control now would be a violation of the private property rights of the property owners in the District.

III. Allowing property owners to control off-street parking is consistent with the Design Guidelines.

The benefit of 'shared users' creating less demand for parking, as suggested in the Design Guidelines, is not controversial. In fact, different types of commercial and industrial users, without considering the residential users, have complimentary demand cycles. The current parking configuration in the District actively supports office users, artists, artisans, hospitality, and service industry professionals, in addition to the residential users, all without creating a parking dilemma.

In meeting the reduced parking requirements of the Design Guidelines, property owners have improved and dedicated both City-owned on-street parking and privately owned off-street

parking. The City-owned parking naturally serves different users at different times. The off-street private parking is controlled, but still benefits from the cycles of demand from the mixture of users for the properties it serves. The off-street parking at Penn Street Lofts, for example, will serve different types of users for the same building.

Accordingly, the 'shared user' dynamic expressed in the Design Guidelines as justification for the reduced parking requirement, is merited. This justification is not incompatible with the current parking arrangements and off-street parking enforcement in the district. Nor is the justification for reduced parking requirements incompatible with the parking at Penn Street Lofts or other future developments in the District. Shared use parking is occurring throughout the district and will continue to contribute to the dynamic nature of the District, whether off-street parking is controlled, or not. An interpretation of the Design Guidelines that does not create a public right to off-street parking will have no negative impact on the existing uses or the reduced parking dynamic.

In contrast, creating a public right to park on private property is likely to create a range of negative side effects. It could easily create anti-competitive commercial behavior, pitting high traffic businesses against each other. Centrally located off-street parking facilities would likely have the highest demand, impacting the residents and businesses closest to those areas. In addition, the most desirable parking areas would be the costliest to maintain and monitor, creating an unfair burden on certain property owners. And notably for projects requiring adherence to fair housing and affordable housing guidelines, a lack of accessible parking could potentially impact the feasibility of certain projects and related funding sources.

There are numerous reasons not to create a 'shared parking arrangement' on private off-street parking in the District, the most important of which is that there is no authority for such an arrangement. The controls regarding parking established in the Design Guidelines are clear and explicit. They do not create a shared public-use obligation for off-street parking. To interpret the introductory language of the Parking section of the Design Guidelines to create such a land use control is a misreading of the actual control provisions and would create a whole range of unintended consequences and negatively impact the District.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "Patrick Watkins", is written over a horizontal line.

Patrick Watkins

Encl. 3/8/2021 Email Mary Miller to Patrick Watkins and Tony Krsnich with Attachment
3/30/2021 Email Mary Miller to Tony Krsnich



Patrick Watkins <patrwatkins@gmail.com>

8th & Penn Shared Parking

13 messages

Mary Miller <mmiller@lawrenceks.org>

Mon, Mar 8, 2021 at 4:55 PM

To: Tony Krsnich <tony@flinthillsusa.com>, Patrick Watkins <patrwatkins@gmail.com>

Tony and Patrick,

Tony and I discussed the shared parking for the 8th and Penn District today and he asked me to provide information related to 716 E 9th Street. I've attached the most recently approved site plan for this district (for 839 Penn Street). This shows the parking requirement for the district overall and the parking provided for the district overall. 716 E 9th Street is not included in the parking provided, as the parking lot was not developed to City standards. A site plan had been approved along with a variance which allowed the parking to be counted toward the required parking (prior to the 8th and Penn District) if the parking lot was improved to City standards within a set time. The improvements weren't met so the variance expired. For this reason, the parking at 716 E. 9th Street can not be counted toward meeting the district parking requirements.

8th and Penn utilizes shared parking, which means that users in the district can park anywhere throughout the district. As a result of the shared parking the parking requirements were reduced.

If a parking area were site planned and developed at 716 E. 9th Street, excess parking (above that required for the uses) would be provided. This parking could be shared by all businesses/users in the district.

Please let me know if you have any questions.

Thanks,

Mary

Mary K Miller, AICP *City/County Planner II* –

mmiller@lawrenceks.org

City of Lawrence, Planning & Development Services

1 Riverfront Plaza, Ste 320 **NEW LOCATION**

Lawrence, KS 66044

Direct (785) 832-3147

Office (785) 832-7700 | Fax (785) 832-3110

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PARKING

Parking in the 8th and Penn Neighborhood Redevelopment Zone will be designed to reflect the desired mixed-use pedestrian scale character of the Redevelopment Zone. One of the virtues of a mixed-use development is that parking areas can be shared by different users at different times. For example, a residential parking space could be used by an office user while the home owner is away during working hours. This results in a neighborhood that is active, more comfortable for the pedestrian, and better for the environment. The mix of uses proposed in the 8th and Penn Neighborhood Redevelopment Zone allows for a reduction in the parking requirements, typical for zoning districts and land uses more closely associated with heavy vehicular traffic. This reduction creates a more pedestrian friendly district as the residents will not have to cross large expanses of parking to reach their destination. In addition, this will be more environmentally sensitive due to the reduction of heat islands and light pollution commonly caused by large, open parking lots.

Parking density for office/retail/commercial property shall consist of one (1) on- or off-street parking stall for every five hundred (500) square feet of floor area, or one (1) space for each 1.5 employees, whichever is larger. For food related uses, the requirement shall be 1 space per 250 square feet of space. This is consistent with the 1966 City of Lawrence Code for parking, Group 17. Accessible parking stalls will be provided in accordance with the Americans with Disabilities Act Accessibility Guidelines (ADAAG). It is estimated that there will be 46,500 square feet of retail space and 24,500 square feet of office space for an estimated parking requirement of 348 spaces.

Parking density for residential property shall consist of one (1) on- or off-street parking stall for every residential unit. For units with 2 bedrooms or more, 2 spaces per unit. This is consistent with the 1966 City of Lawrence Code for parking, Group 2-F. Accessible parking stalls will be provided in accordance with the Americans with Disabilities Act Accessibility Guidelines (ADAAG).

Parking lots shall be setback from the lot line a minimum of three (3) feet to provide room for a vegetated buffer or other type of approved screening. Existing parking in historic Zone 1, and alley ways in all zones, shall be exempt from these requirements.

All off-street parking areas in Zones 3 and 4, and those containing five or more vehicles, shall be effectively screened on each side that adjoins or is across the street from any residential district with a view-reducing barrier. This barrier shall be at least three feet but not more than six feet in height.

Parking lot lighting shall be consistent with section 20-14A03 of the Lawrence Zoning Guidelines, or subsequent applicable City standards, and is discussed further on page 18, in the Lighting section of the Design Guidelines. In order to limit lighting impacts on adjacent residential properties, low bollard lighting will be utilized in parking areas adjacent to these properties in lieu of standard pole lighting.

DESIGN GUIDELINES

In addition to the development standards above, the following design guidelines are proposed to preserve the existing character-defining elements through rehabilitation and to enhance the surrounding areas with compatible new construction that capitalizes on the heterogeneous nature of the zone while also creating a cohesive entity that visually links with the adjacent neighborhoods. Thus, the purpose of these guidelines is to sensitively mediate the forces of change, create an opportunity for architectural innovation and problem solving, and enhance the existing neighborhood fabric. Given the varied nature of the project area, the chosen approach is to apply the Secretary of the Interior's Standards for Rehabilitation where applicable to each of the zones identified in the environs review.

Based on over 120 years of evolving preservation methodology involving the identification, evaluation, and protection of historic and cultural resources in Europe and America, "The Secretary of the Interior's Standards for

Re: shared parking in 8th and Penn District

1 message

Tony Krsnich <tony@flinthillsusa.com>
To: Mary Miller <mmiller@lawrenceks.org>
Cc: Pat Watkins <patrwatkins@gmail.com>

Tue, Mar 30, 2021 at 11:53 AM

Thanks Mary.

Where does that leave Kennedy Glass specifically? We don't need a parking reduction, in fact, we are asking to provide additional to help our business and take pressure off the streets/neighborhood.

Thank you,

Tony Krsnich
Flint Hills Holdings Group
913.904.6747
www.flinthillsusa.com

****Please update my new email address****

Sent from my iPhone

On Mar 30, 2021, at 11:43 AM, Mary Miller <mmiller@lawrenceks.org> wrote:

Good morning,

After receiving inquiries into the use of parking in the 8th and Penn area, staff reviewed the *Design Guidelines 8th and Penn Neighborhood Redevelopment Zone* to determine how parking was intended to be provided for the district.

The guidelines provide the following information related to parking:

PARKING

Parking in the 8th and Penn Neighborhood Redevelopment Zone will be designed to reflect the desired mixed-use pedestrian scale character of the Redevelopment Zone. One of the virtues of a mixed-use development is that parking areas can be shared by different users at different times. For example, a residential parking space could be used by an office user while the home owner is away during working hours. This results in a neighborhood that is active, more comfortable for the pedestrian, and better for the environment. The mix of uses proposed in the 8th and Penn Neighborhood Redevelopment Zone allows for a reduction in the parking requirements, typical for zoning districts and land uses more closely associated with heavy vehicular traffic. This reduction creates a more pedestrian friendly district as the residents will not have to cross large expanses of parking to reach their destination. In addition, this will be more environmentally sensitive due to the reduction of heat islands and light pollution commonly caused by large, open parking lots. (Page 14)

From this, it is clear that the parking for the district was intended to be shared between the mix of uses, including residential. Since shared parking was to be utilized, the guidelines provided reduced parking requirements. As the guidelines indicate that parking is to be shared within the district, it is not possible for parking areas to be designated for specific uses.

As a result of 8th and Penn being a shared parking district, each entity is granted a discount on parking requirements. If an entity wanted to restrict the use of their parking areas, they would need to remove themselves from the district through rezoning and provide the number of parking spots required by the Code on private property.

The guidelines do not speak to the maintenance of the shared parking areas. The City developed the parking area to the south of the Poehler Building and is currently responsible for maintenance. As other parking areas are developed in the district, it may be beneficial to develop a parking agreement for all property owners within the district. This agreement could clarify the shared nature of the parking and

outline maintenance responsibilities and financing provisions. This would be a private agreement between the individual property owners, but should be recorded with the Register of Deeds and noted on following site plans for the area.

Thanks,

Mary

Mary K Miller, AICP *City/County Planner II –*

mmiller@lawrenceks.org

City of Lawrence, Planning & Development Services

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