



Updated:

12/13/10 @ 11:45am

Added renderings of the proposed building for Item 2 - SUP for 345 Florida St

Added communications for the following items:

Item 2 - Special Use Permit for 345 Florida St

Item 3 - Text Amendment for RM32 District

Item 4 - Text Amendment for Boarding Houses

12/7/10 @ 4:30pm

****The Wednesday, December 15th Planning Commission meeting has been canceled****

LAWRENCE-DOUGLAS COUNTY METROPOLITAN PLANNING COMMISSION

CITY HALL, 6 EAST 6TH STREET, CITY COMMISSION MEETING ROOM

AGENDA FOR PUBLIC & NON-PUBLIC HEARING ITEMS

DECEMBER 13 & 15, 2010 6:30 - 10:30 PM

GENERAL BUSINESS:

PLANNING COMMISSION MINUTES

Receive and amend or approve the minutes from the Planning Commission meeting of November 15, 2010.

COMMITTEE REPORTS

Receive reports from any committees that met over the past month.

COMMUNICATIONS

- a) Receive written communications from the public.
- b) Receive written communications from staff, Planning Commissioners, or other commissioners.
- c) Receive written action of any waiver requests/determinations made to the City Engineer.
- d) Disclosure of ex parte communications.
- e) Declaration of abstentions from specific agenda items by commissioners.

AGENDA ITEMS MAY BE TAKEN OUT OF ORDER AT THE COMMISSIONS DISCRETION

REGULAR AGENDA (DECEMBER 13, 2010) MEETING

PUBLIC HEARING ITEMS:

ITEM NO. 1 CONDITIONAL USE PERMIT; 1724 N 780 RD (SLD)

CUP-9-4-10: Consider a Conditional Use Permit for Jayhawk Excavating, truck storage, in the NW ¼ of S10-T14-R20, located at 1724 N 780 Road, on approximately 20 acres. Submitted by Allen and Teresa Rockhold, property owners of record.

ITEM NO. 2 SPECIAL USE PERMIT; 345 FLORIDA ST (SLD)

SUP-10-7-10: Consider a Special Use Permit for a daycare facility located at 345 Florida Street, on approximately 1.065 acres. Submitted by Peridian Group, Inc., for DCCCA Inc., c/o of Elizabeth B. Ballard Community Center, Inc., property owner of record.

ITEM NO. 3 TEXT AMENDMENT TO CITY OF LAWRENCE DEVELOPMENT CODE; RM32 DISTRICT (MJL)

TA-6-8-10: Consider Text Amendments to the City of Lawrence Land Development Code, Chapter 20, related to the density and development standards in the RM32 (Multi-Dwelling Residential) District including potentially increasing the maximum dwelling units per acre limit in that district. *Initiated by City Commission on 7/13/10.*

ITEM NO. 4 TEXT AMENDMENT TO CITY OF LAWRENCE DEVELOPMENT CODE; BOARDING HOUSE (SDM)

TA-6-17-09: Reconsider Text Amendments to various sections of the City of Lawrence Land Development Code to review standards related to "Boarding House" and expanded to consider parking standards for Multi-Dwelling structures and nonconforming standards for Boarding Houses. *This item was originally heard by Planning Commission on 12/16/09. City Commission returned this item on 2/2/10 for additional consideration. Deferred by Planning Commission on 9/20/10.*

****DEFERRED****

~~ITEM NO. 5 TEXT AMENDMENT TO CITY OF LAWRENCE DEVELOPMENT CODE & DOUGLAS COUNTY CODE; MINOR & MAJOR SUBDIVISIONS (SMS)~~

~~TA-3-3-10:~~ Consider Text Amendments to the joint city/county subdivision regulations in the City of Lawrence Land Development Code, Chapter 20, Article 8 and the Douglas County Code, Chapter 11, Article 1 to revise requirements and standards related to the processing of Minor and Major Subdivisions, including minor housekeeping changes. *Initiated by City Commission on 2/16/10.*

MISCELLANEOUS NEW OR OLD BUSINESS

MISC NO. 1 Initiate Rezoning of 1820 N 3rd Street. **(DDW)**

MISC NO. 2 Initiate Rezoning of a portion of the 300 Block of Perry Street. **(DDW)**

Consideration of any other business to come before the Commission.

ADJOURN

****The Wednesday, December 15th Planning Commission meeting has been canceled****

BEGIN PUBLIC HEARING (DECEMBER 15, 2010):

COMMUNICATIONS

- a) Receive written communications from staff, Planning Commissioners, or other commissioners.
- b) Disclosure of ex parte communications.
- c) Declaration of abstentions from specific agenda items by commissioners.

AGENDA ITEMS MAY BE TAKEN OUT OF ORDER AT THE COMMISSIONS DISCRETION

REGULAR AGENDA

PUBLIC HEARING ITEM:

****DEFERRED****

~~ITEM NO. 6 — CONDITIONAL USE PERMIT; 2102 N 1500 RD (SLD)~~

~~CUP-10-6-10:~~ Consider a Conditional Use Permit for Kaw Valley Eudora Sand Facility, located at 2102 N 1500 Road, NE of SW Cor. SW ¼ S32-T12S-R15E, on approximately 196.58 acres. Submitted by Landplan Engineering, P.A., for Kaw Valley Companies, Inc., contract purchaser, for James and Ronda Bigger and Wellsville Bank, property owners of record.

MISCELLANEOUS NEW OR OLD BUSINESS

Consideration of any other business to come before the Commission.

PUBLIC COMMENT SECTION

CALENDAR

November 2010						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

December 2010						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

January 2011						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

PCCM Meeting:

(Generally 2nd Wednesday of each month, 7:30am-9:00am)

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<http://www.lawrenceks.org/subscriptions>



PLANNING COMMISSION MEETING

November 15, 2010

Meeting Minutes DRAFT

November 15, 2010 – 6:30 p.m.

Commissioners present: Burger, Dominguez, Finkeldei, Harris, Hird, Liese, Singleton, and Student Commissioner Davis

Staff present: McCullough, Stogsdill, Day, J. Miller, M. Miller, Ewert

MINUTES

Receive and amend or approve the minutes from the Planning Commission meeting of October 25 & 27, 2010.

Commissioner Liese requested a word be corrected on page 30.

Motioned by Commissioner Singleton, seconded by Commissioner Finkeldei, to approve the October 25 & 27, 2010 Planning Commission minutes with the correction suggested by Commissioner Liese.

Approved 7-0. Student Commissioner Davis voted in favor.

COMMITTEE REPORTS

Receive reports from any committees that met over the past month.

Commissioner Hird said the Agri-Tourism committee met with representatives of three Townships to discuss the road system and what the effect of agri-tourism might have on the road system. He said it was a helpful exchange between the committee and Townships. He invited anyone who was interested in agri-tourism to let him know and that they were welcome at the committee meetings.

COMMUNICATIONS

Mr. Scott McCullough, Planning Director, reviewed new attachments/communications that were posted to the online Planning Commission agenda after the initial posting date. He stated that the Planning Commission Mid-Month meeting would be on December 1st at 8:00am and the topic would be about legal non-conforming issues.

No written action of any waiver requests/determinations made to the City Engineer.

EX PARTE / ABSTENTIONS / DEFERRAL REQUEST

- No ex parte.
- No abstentions.

PC Minutes 11/15/10 **DRAFT**

ITEM NO. 1 PRELIMINARY PLAT; CAMPBELL ADDITION; 1.003 ACRES; 204 LANDON CT (SLD)

PP-9-7-10: Consider a Preliminary Plat for Campbell Addition, a 1 lot subdivision containing approximately 1.003 acres, located at 204 Landon Court. Submitted by Landplan Engineering, P.A., for Jeff and Christy Campbell, property owner of record.

CONSENT AGENDA ACTION TAKEN

Motioned by Commissioner Finkeldei, seconded by Commissioner Singleton, to approve the Preliminary Plat (PP-9-7-10) of the Campbell Addition and forward it to the City Commission for consideration of vacation of easement.

Unanimously approved 7-0. Student Commissioner Davis voted in favor.

PC Minutes 11/15/10 **DRAFT**

**ITEM NO. 2 PRELIMINARY PLAT; HELM SUBDIVISION; .253 ACRES; ADJACENT TO
761 ELM ST (SLD)**

PP-9-8-10: Consider a Preliminary Plat for Helm Subdivision, a 2 lot subdivision containing approximately .253 acres, located adjacent to 761 Elm Street. Submitted by Landplan Engineering, P.A., for Glen and Carla Helm, property owner of record.

STAFF PRESENTATION

Ms. Sandra Day presented the item.

PUBLIC HEARING on Variance only

No public comment.

ACTION TAKEN

Motioned by Commissioner Finkeldei, seconded by Commissioner Singleton, to approve the variance requested from Section 20-810(a)(42(i) to permit lots that do not meet the minimum lot area requirements.

Unanimously approved 7-0. Student Commission Davis voted in favor.

Motioned by Commissioner Finkeldei, seconded by Commissioner Harris, to approve the Preliminary Plat (PP-9-8-10) of the Helm Subdivision and forwarding it to the City Commission for consideration of acceptance of easements.

Unanimously approved 7-0. Student Commissioner Davis voted in favor.

PC Minutes 11/15/10 **DRAFT**

ITEM NO. 3 PRELIMINARY PLAT; ROCKWALL FARMS ADDITION; 156.15 ACRES; N 1800 RD & E 700 RD (MKM)

PP-9-9-10: Consider a Preliminary Plat for Rockwall Farms Addition, a 2 lot subdivision containing approximately 156.15 acres, located near the intersection of N 1800 and E 700 Roads. Submitted by Paul Werner Architects, for Rockwall Farms L.C., property owner of record. *Joint meeting with Lecompton Planning Commission.*

STAFF PRESENTATION

Ms. Mary Miller presented the item.

Lecompton Commissioner Elsie Middleton asked if the Lecompton Fire Department was satisfied with the fire arrangement.

Ms. Miller said yes.

Commissioner Harris asked if Lecompton would respond to fires instead of Lawrence.

Ms. Miller said they would both respond as automatic aid.

APPLICANT PRESENTATION

Mr. Paul Werner, Paul Werner Architects, suggested condition 5 be reworded to *'Off-site drainage easements or other mechanism acceptable to the County Engineer and County Counselor shall be recorded by separate instrument with Book and Page Number noted on the final plat.'*

He requested condition 6 be removed since the zoning was already done. He also said everyone has agreed to the fire system.

Commissioner Finkeldei said he thought the idea of using lagoon was a good idea and he wondered why that was not being used.

Mr. Werner said he thought it was still a good idea but they were asked to put in an in-ground tank, similar to the system Berry Plastics has in the City.

Commissioner Harris asked staff to respond to condition 5 being reworded.

Mr. McCullough said he wanted to respond to Commissioner Finkeldei's question regarding the fire system. He said there were technical reasons why the Fire Department did not want to use the lagoon. He said the Fire Department was concerned about silt and sediment getting in the equipment and the reliability of a system like that. He said they were also concerned about the icing up of the surface water body and pipes distributing the water from the pond to the sprinkler system. He said they had practical concerns when a viable alternative existed. He said regarding condition 5, the Code requires easements and staff would accept a revision.

Mr. Werner said that would work.

Commissioner Finkeldei asked if staff was fine with condition 6 being removed.

Mr. McCullough said yes.

PUBLIC HEARING

No public comment

Action taken by Lecompton Planning Commission

Motioned by Lecompton Commissioner Middleton, seconded by Lecompton Commissioner Leigh Ann Woody, to approve the Preliminary Plat of Rockwall Farms Addition, with the suggested amendments listed below.

Unanimously approved 4-0 by Lecompton Planning Commission.

ACTION TAKEN

Motioned by Commissioner Finkeldei, seconded by Commissioner Harris, to approve the Preliminary Plat (PP-9-9-10) of Rockwall Farms Addition and forwarding it to the Board of County Commissioners for consideration of dedication of easements and rights-of-way subject to the following conditions of approval. Deleted text is shown as ~~struckthrough~~ and additional text shown in **bold**.

1. Per Section 20-811(e)(3)(ii) of the Subdivision Regulations, evidence shall be submitted to the Planning Office showing that the applicable Fire Department has approved the proposed water supply system as being adequate to support firefighting needs prior to the recording of the final plat.
2. Per Section 20-811(d)(4), the final plat may not be recorded until the subdivider has presented evidence that the proposed method of sewage disposal has been approved by the Douglas County Health Department.
3. Temporary set-aside agreements for Lots 1 and 2 shall be executed and recorded prior to the recordation of the final plat. The Book and Page Numbers for the agreements shall be noted on the face of the final plat.
4. The County Engineer shall provide written certification that all public improvements have been completed or one of the means for ensuring completion noted in Section 20-811(h)(2) has been provided prior to recording of the final plat.
5. Off-site drainage easements **or other mechanism acceptable to the County Engineer and County Counselor** shall be recorded by separate instrument with Book and Page Number noted on the final plat.
6. ~~The rezoning resolution to the I-2 District (Lot 2) must be approved by the Board of County Commissioners prior to the recording of the final plat.~~
7. The plat shall be revised with the following changes:
 - a. Note 10 revised to read: "An access easement providing off-site public access to N 1800 Road shall be dedicated by separate instrument and the Book and Page Number noted on the final plat."
 - b. If an off-site sewage management system is proposed for Lot 2, Note 11 should be revised to read: "Easements containing any off-site sewage management system and its connection to the platted lot(s) shall be dedicated by separate instrument. The Book and Page Number of the recorded easement shall be noted on the face of the final plat."
 - c. N 1800 Road shall be labeled.
 - d. The distances from the 80 ft wide Access Easement to the south property line of Lot 2 shall be dimensioned on the east and west side of the easement and the overall length of the easement shall be noted.
 - e. Location map shall be updated to clearly include both lots.

- f. If the Board of County Commissioners votes to participate in the financing of the off-site street/infrastructure improvements necessary for this development, the preliminary plat shall include a note to that effect.

Unanimously approved 7-0. Student Commissioner Davis voted in favor.

PC Minutes 11/15/10 **DRAFT**

ITEM NO. 4 CONDITIONAL USE PERMIT; 1879 E 1700 RD (SLD)

CUP-9-3-10: Consider a Conditional Use Permit for a wedding venue for Shoshanna's Garden, located at 1879 East 1700 Road. Submitted by Susan Rendall, property owner of record.

STAFF PRESENTATION

Ms. Sandra Day presented the item.

Commissioner Finkeldei asked if the Conditional Use Permit would be limited to weddings or if other types of events would be allowed.

Ms. Day said the condition was worded as 'outdoor events.' She said the expectation was that there could be some other outdoor event such as photo session or vowel renewal. There may be music associated with a ceremony but it was not expected to go late into the evenings.

Commissioner Harris said she wasn't able to visit the site, and wondered if there was a fence around the site.

Ms. Day said the applicant intends to fence in the garden area.

Commissioner Harris asked if the fence was a requirement.

Ms. Day said no.

Commissioner Harris asked what would happen if there were more cars than spaces.

Ms. Day said the applicant has a large lawn so there would be ample room to park, and that the activity was capped at no more than 150 people.

Commissioner Harris asked if there was space for another row of cars on the lawn.

Ms. Day said yes.

Commissioner Burger inquired about provisions for what to do with 150 people in the event of a tornado warning.

Ms. Day said staff did not have that discussion with the applicant but that maybe the applicant could respond to that question.

APPLICANT PRESENTATION

Ms. Susan Rendall said her intent was to use her garden for outdoor events such as weddings. She showed pictures on the overhead projector of the garden.

Commissioner Singleton asked if she talked to any of the neighbors.

Ms. Rendall said she spoke with Ms. Sally McGee who was concerned about having to look at a permanent porta potty. Ms. Rendall agreed that it would be inappropriate for her to place a porta potty out there and destroy the ambience of the garden. She said she hoped to put a shed snuggled into the trees and shrubbery that could be used for changing, bathroom facilities, and possibly storage. She said she did talk to some other neighbors along the road about the dust and they

weren't particularly concerned about the dust. She said one of the neighbors was concerned about her dogs getting loose and into the traffic.

Commissioner Burger asked if she had any provisions for a tornado alert.

Ms. Rendall said she had not taken that into consideration. She said she has a tri-level home and part of the lower level was underground. She said she also has a garage.

Commissioner Hird said the condition that she would be responsible for dust control basically says if there was one complaint she would have to treat the road or do some sort of dust control.

Ms. Rendall said the dust palliative application was a \$1 a running foot in Grant Township and that 2,640' (½ mile) was beyond her ability to pay at this point. She said if she has one or two events a weekend that would be a different situation. She said she checked with Rich Bireta, Grant Township Trustee, and he talked with Keith Browning, County Public Works Director, and he said they do have water trucks that would water the road with appropriate forewarning at no charge.

PUBLIC HEARING

No public comment.

ACTION TAKEN

Motioned by Commissioner Harris, seconded by Commissioner Finkeldei, to approve Conditional Use Permit (CUP-9-3-10) for outdoor events at 1879 East 1700 Road subject to the following conditions:

- 1) The provision of a revised site plan with the following changes and notes:
 - a) "Chemical or compost toilets may be used only if approved by the County Health Official."
 - b) "The applicant is responsible for dust control dependant on a complaint basis and to be coordinated with the County Public Works Department prior to events."
 - c) "Maximum number of events limited to not more than 3 events in one week period."
 - d) "Tents used for events shall be erected no more than 24 hours in advance of an event and shall be removed within 24 hours concluding an event."
 - e) "Applicant shall provide a lighting plan per staff approval if lighting is be used for events. Lighting shall be low to the ground, shielded and directed downward."

Motion carried 6-1, with Commissioner Burger voting in opposition. Student Commissioner Davis voted in favor.

PC Minutes 11/15/10 **DRAFT**

ITEM NO. 5 RM15 TO RM24; 15 ACRES; 4100 W 24TH PL (SLD)

Z-8-12-10: Consider a request to rezone approximately 15 acres from RM15 (Multi-Dwelling Residential) to RM24 (Multi-Dwelling Residential), located at 4100 W. 24th Place. Submitted by BG Consultants, Inc., for Remington Square LC, property owner of record. *Deferred by Planning Commission on 10/27/10.*

Item No. 5 was deferred prior to the meeting.

PC Minutes 11/15/10 **DRAFT**

ITEM NO. 6 PRELIMINARY DEVELOPMENT PLAN; CROSSGATE DRIVE CASITAS; 2451 CROSSGATE DR (SLD)

PDP-9-3-10: Consider a Preliminary Development Plan for Crossgate Drive Casitas, approximately 4.6 acres, located at 2451 Crossgate Drive. Submitted by BG Consultants, Inc., for Corporate Holdings II, L.L.C., property owner of record.

STAFF PRESENTATION

Ms. Sandra Day presented the item.

Commissioner Dominguez asked if this was the same area, about 2-3 months ago, that tried to come up with apartments and the neighborhood went to City Commission and got it denied.

Ms. Day said there was an application for this but that this particular project did not proceed. There was a proposed Casitas request at the corner of Inverness and Clinton Parkway that was turned down because it also requested a zoning change. She said this particular request complies with zoning that was approved.

Commissioner Dominguez inquired about parking.

Ms. Day said this complies with today's design standards for parking.

APPLICANT PRESENTATION

Mr. David Hamby, BG Consultants, was present for questioning.

PUBLIC HEARING

No public comment.

COMMISSION DISCUSSION

Commissioner Dominguez asked how many notices went out to neighbors.

Ms. Day said for this request the standard 200' notice was sent out. She said for the rezoning of Remington Square around a 2000' notice was sent out. She said there has been much more public input on the Inverness side than the Crossgate side. She said staff has been in contact with neighborhood representatives and they are aware of the projects. She said the number of notices that sent out was 20.

Mr. Hamby said he held a public meeting in March and sent the standard 200' notice and nobody attended the meeting. He said he did field two phone calls, one from Windham Place Apartments which was supportive of the project, and another neighbor asking questions about the project.

Commissioner Liese asked for clarification of the staff recommendation because he read conflicting recommendations on page 104 and page 115 of the agenda packet.

Mr. McCullough said at last month's meeting Planning Commission deferred the Remington Place rezoning effort and that staff report was published and had recommendation for approval. In the meantime the City Commission directed staff to bring them a memo with some options if they wanted to initiate a district plan. A week after Planning Commission deferred the rezoning staff had also been working on this recommendation. Staff thought that if they were going to initiate a district plan the recommendation would be to defer action on the two active requests. That was staff's

recommendation to City Commission. Planning Commission deferred the item to let staff go have that discussion with City Commission. City Commission directed staff not to defer the two active applications and let them go through the process while going through the district plan process. Staff's recommendation under that direction was for approval of this as this equates to a site plan under the current Code. Whereas, the other request was for an intensification through rezoning. This was a recommendation to City Commission to initiate the plan and defer the two active proposals and instead City Commission directed staff to take the proposals through the process.

Commissioner Dominguez inquired about the deferral.

Mr. McCullough said when staff understood that the City Commission wanted to consider a master planning effort for this neighborhood staff looked at options for a package to them. Staff's recommendation was to defer action on the proposals but staff also included some alternative actions on page 115 of the agenda packet. One of the alternatives was not to initiate a plan and let rezonings come through their normal process or initiate a plan but permit the two active applications to move forward. That was the recommendation City Commission took up.

Commissioner Finkeldei said he would support the application but did have concerns about the area and wanted to see the master plan go forward. He said the most controversial item Planning Commission has looked at since he has been on the commission was converting the zoning of RSO on the corner of Inverness and Clinton Parkway to more apartments. He said Remington Place was a change in zoning to make it more dense. He said this particular request was within the current zoning but was asking for variances. He said when looking at the area and trying to plan it, it would not be a commercial strip or single family homes. He said he could see this being some sort of multi-family dwelling, and in this case one bedroom multi-dwelling space does fit. He stated that two of the other big concerns from neighbors when they opposed other plans dealt with traffic as it relates to the school, which was down on the other end from this project; and being able to view the property from many of the backyards and properties that look out toward Clinton Parkway, but this sits off to the side with a fairly large greenbelt. He said he would support the staff recommendation.

Commissioner Dominguez said last time Planning Commission heard the Inverness development nobody showed up to the meeting but then showed up for the City Commission meeting. He said the complaint he remembered hearing most was that there were too many apartment complexes in that area. He expressed concern about the setbacks being reduced to 5 feet. He said he would like to see the district plan first before more building takes place.

Commissioner Harris said she also would like to see the district plan before any new development was approved. She said her recommendation back to City Commission would be to defer it until the district plan was done. She said once this development was approved there was no going back if they wanted to do anything different. She said she did not have any real objection to this as it stands but it limits the options for the rest of the area if approved now. She said one change she would have wanted with this plan was for the front of the properties to face the road and not the backyards to try and change the development in the community.

Commissioner Liese asked if it was still wise to initiate a district plan regardless of how City Commission voted.

Mr. McCullough said the district plan was initiated by City Commission. He said the discussion City Commission had was if they should allow these two applications to move forward while working on the district plan. City Commission not only directed staff to move forward on the projects but also did not put a moratorium on applications above and beyond these two applications. He stated that

the City Commission recognized that these two applications were fairly far into the process and they were interested in letting them go through the process because they have the ultimate vote with or without the district plan.

Commissioner Singleton said she supported approval of this and moving it forward. She said she spends a lot of time in this neighborhood walking her dog. She felt this plan was a really good transition from the residential neighborhood on east side to the large apartment buildings on west and retirement home on south. She said she could not see putting single-family residences there or commercial. She said she liked the use of the plan and how the density has been turned inside out and the way the traffic was utilized with the plan. She said it conformed with the current Code so it was a good fit for the neighborhood for both the east and west side.

Commissioner Hird said when he came into the meeting he was prepared to vote on deferral until there was a master plan. He said learning more about the City Commission directive was very influential. He said he was less concerned about this parcel because it's far enough off Clinton Parkway. He said if the elected officials have suggested this move forward he was reluctant without a district plan but would support under those conditions.

Commissioner Dominguez said City Commission was not endorsing this plan they are just endorsing the processing moving forward.

Mr. McCullough said he would agree with that statement.

ACTION TAKEN

Motioned by Commissioner Finkeldei, seconded by Commissioner Singleton, to approve the following waivers and reductions:

1. A reduction in the peripheral setback:
 - a. from 35' to 10' (north property line) and
 - b. from 35' to 5' (south property line).
2. A reduction in side yard setback from 10' to 5' along the south property line.
3. A reduction in parking stall requirements from 71 to 57.

Commissioner Harris said she would vote against the motion because she felt they should wait until the district plan was completed.

Commissioner Singleton said regarding the district plan you never know how long a district plan would take and she did not want to set forth the idea that because they were waiting for a plan that they wouldn't proceed on a development.

Commissioner Burger said she appreciated the applicant deferring the previous item and that this application did not have the same outcry from the neighborhood. She said she would have preferred to have a district plan in place already but the application does follow the current zoning so she said she would support the motion.

Motion carried 5-2, with Commissioners Dominguez and Harris voting in opposition. Student Commissioner Davis voted in opposition.

Motioned by Commissioner Finkeldei, seconded by Commissioner Singleton, to approve the Preliminary Development Plan (PDP-9-3-10) for Crossgate Casitas based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval.

Motion carried 5-2, with Commissioners Dominguez and Harris voting in opposition. Student Commissioner Davis voted in opposition.

PC Minutes 11/15/10 **DRAFT**
MISCELLANEOUS NEW OR OLD BUSINESS

MISC NO. 1 Receive Long Range Planning 2011 Work Program. **(DDW)**

Mr. Scott McCullough presented the item and reviewed the projects.

Commissioner Harris inquired about watershed plans and asked if they were important why they never get on the list. She said they were doing sector plans without doing watershed plans.

Mr. McCullough said it's a layering process. He said they have talked before that sector plans ultimately have to be overlaid with the wastewater plan and vice versa. He said all the planning efforts the past few years have been used in a very intense way to get to the wastewater master plan and has nothing but watershed planning in it as its base. He said the watersheds are needed to understand the watersheds in order to lay the infrastructure that's gravity fed. He said the land use is also needed to understand how to size the infrastructure that need to go into the watershed. He said it is one type of plan that can be used.

Commissioner Harris asked if the watershed plan should be first and then the land uses planned after it is known how the water will run through the area.

Mr. McCullough said there were multiple things, such as stormwater running through the watersheds and infrastructure needed to be placed in the watershed. He said to understand the capacity for infrastructure or what infrastructure to plan for we they need some idea of what land uses will be served.

Commissioner Harris inquired about where in the process the Environmental Chapter was since it was passed by Planning Commission.

Mr. McCullough said it was scheduled to go to City Commission December 14th with the Northeast Sector Plan and then go to County Commission after direction from City Commission.

Commissioner Dominguez said he would like to see a market retail study at a future Mid-Month meeting.

Commissioner Finkeldei inquired about the meeting that Mr. McCullough mentioned about the Oread Neighborhood.

Mr. McCullough said staff does not know how they are going to process the overlay districts. At the neighborhoods request staff has a meeting scheduled with the Oread Neighborhood Association board and non-members to discuss the next steps.

Commissioner Harris said she was pleased to see some things, such as the parking study, with the Oread Plan moving forward so soon after the plan was approved.

MISC NO. 2 Adopt the 2011 Planning Commission meeting calendar.

Motioned by Commissioner Finkeldei, seconded by Commissioner Singleton, to approve the 2011 Planning Commission meeting calendar.

Motion carried 7-0. Student Commissioner Davis voted in favor.

Consideration of any other business to come before the Commission.

Mr. McCullough said he sent the Planning Commissioners an email regarding the Planning Commission Journal and was looking for feedback on whether to renew the subscription.

Commissioner Singleton said she reads it.

Commissioner Finkeldei said he also reads it but wouldn't mind sharing a copy.

Commissioner Burger asked if the intent was to have all Mid-Month meetings to start at 8:00am or just December.

Commissioner Hird said he would be in favor of an 8:00am meeting time.

Commissioner Burger said she would encourage moving all the Mid-Month meetings to 8:00am.

Mr. McCullough said the meeting typically consists of two 45 minute sessions but that they could change it to a one hour session from 8:00am-9:00am

Commissioner Singleton felt the meetings needed to be 1 ½ hours to get all the information but suggested maybe changing the time to lunch or late afternoon.

Commissioner Liese said mornings work best for him.

Ms. Stogsdill said staff was open for suggestions and that they could discuss it more.

Commissioner Dominguez inquired about amending the Planning Commission By-Laws to have the meetings end by midnight.

Mr. McCullough said Planning Commission could choose to initiate an amendment to the By-Laws.

PUBLIC COMMENT SECTION

ADJOURN 8:08pm

2011
LAWRENCE-DOUGLAS COUNTY METROPOLITAN PLANNING COMMISSION
MID-MONTH & REGULAR MEETING DATES

Mid-Month Meetings, Wednesdays 7:30 – 9:00 AM	Mid-Month Topics		Planning Commission Meetings 6:30 PM, Mon & Wed	
Jan 12	Housing Trends	Future Topics	Jan 24	Jan 26
Feb 9	Complete Streets		---	Feb 23
Mar 16			Mar 28	Mar 30
Apr 13			Apr 25	Apr 27
May 11			May 23	May 25
Jun 8			Jun 20	Jun 22
Jul 13			Jul 25	Jul 27
Aug 10			Aug 22	Aug 24
Sep 14			Sep 26	Sep 28
Oct 12			Oct 24	Oct 26
Nov 2			Nov 14	Nov 16
Nov 30			Dec 12	Dec 14
	Suggested topics for future meetings: <i>How City/County Depts interact on planning issues</i> <i>Stormwater Stds Update – Stream Setbacks</i> <i>Overview of different Advisory Groups – potential overlap on planning issues</i> <i>Open Space Acquisition/Funding Mechanisms (examples from other states)</i> <i>TDRs</i> <i>Library Expansion Update</i> <i>Joint meeting with other Cities’ Planning Commissions</i> <i>Joint meeting with other Cities and Townships – UGA potential revisions</i> <i>Presentation from KC-metro Planning Directors</i> <i>Tour City/County Facilities</i>			
Meeting Locations	The Planning Commission meetings are held in the City Commission meeting room on the 1 st floor of City Hall, 6 th & Massachusetts Streets, unless otherwise noticed.			
Planning & Development Services Lawrence-Douglas County Planning Division 785-832-3150 www.lawrenceks.org/pds				

Revised 12/7/10

PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item

PC Staff Report
12/13/10

ITEM NO. 1 CONDITIONAL USE PERMIT; 1724 N 780 RD (SLD)

CUP-9-4-10: Consider a Conditional Use Permit for Jayhawk Excavating, truck storage, in the NW ¼ of S10-T14-R20, located at 1724 N 780 Road, on approximately 20 acres. Submitted by Allen and Teresa Rockhold, property owners of record.

STAFF RECOMMENDATION: Staff recommends approval of a Conditional Use Permit for the truck storage building at 1724 N 780 Road in the NW¼ of section 10-14-20 and forwarding of this application to the County Commission with a recommendation for approval, based upon the findings of fact presented in the staff report, and subject to the following conditions:

1. Approval of the truck storage use, as long as the use is associated with the Home Business, for a period of ten years expiring on July 1, 2020.
2. Provision of a copy of a permit approved by the County Public Works Department for "Over Size/Over Weight Vehicles" prior to the commencement of the operation from 1724 N 780 Road.
3. Submittal of a revised site plan to show the following revisions and/or additions to the site plan notes as follows:
 - a. The Conditional Use Permit is approved for 10 years and shall expire July 1, 2020 unless a request for an extension is submitted for approval by the Board of County Commission prior to that date;
 - b. A review of the Conditional Use Permit in five years, on or before July 1, 2015, by county staff for compliance with the conditions of approval.
 - c. The conditional use permit is limited to the use only for the storage of Jayhawk Excavating equipment and personal property of the owner/resident of 1724 N 780 Road.
 - d. Exterior storage of business equipment and materials shall be restricted to the areas shown on the face of the site plan.
 - e. Dumping of construction debris is prohibited on this site.
 - f. Wholesale and retail sales are prohibited on this site.
 - g. Maintenance and repair of equipment shall be limited to that equipment owned by Jayhawk Excavating and personal property of the owner/resident of 1724 N 7800 Road.
 - h. Exterior lighting proposed to be added to the site to serve the business shall be approved by the County Zoning Administrator. All lighting shall be shielded and directed downward.
 - i. The applicant is responsible for dust control between the applicant's residence/place of business and the nearest paved road. Dust control measures shall be coordinated with the Township Board. Depending on weather and the time of year, different types of dust control measures may be required to mitigate dust. The Board of County Commissioners retains the right to review the dust prevention methods based on complaints from County Public Works, Township Staff, or neighbor calls to determine if the methods used are sufficient and to direct the applicant to mitigate dust disturbance for future events through an approved treatment for dust control.

Reason for Request:	Applicant response: <i>"Downsize, because of economy. I do not need two similar large properties/buildings for storage of equipment."</i>
Staff Summary of Request	This request is for the use of accessory buildings for storage of materials and equipment associated with the operation of Jayhawk Excavating. This location is also the primary residence of the applicant.
Applicable Code Citation:	<p>Section 12-319-6.02 addresses Type II Rural Home Occupations. The purpose is to <i>"permit the establishment of certain incidental and accessory home business occupations that can be conducted within the dwelling unit, or within an accessory building, that is ancillary to the primary residential use of the property."</i> Specific conditions must be met to accommodate home occupations.</p> <ul style="list-style-type: none">• General provisions of rural home occupations require that all equipment, materials, goods and vehicles shall be stored indoors or otherwise completely screened from view of adjacent parcels and rights-of-way.• A distinction between Type I and Type II Rural Home Occupations includes allowing up to 4 nonresident employees in Type II Rural Home Occupations.• Home business activity shall be conducted within the dwelling unit or within an accessory building that is no greater than 3,600 square feet in gross area.• The proposed building is 40' by 72' or 2,880 SF. <p>The Applicant requested an informal hearing (following the procedures of 12-319-6.04 for appeals of administrative decisions concerning home occupations) to determine if the use qualified as a Type II Rural Home Occupation. The Hearing Officer, Board of County Commissioner, Mike Gaughan, concurred with the County Zoning Administrator that the relocation of the business to 1724 N 780 Road would not comply with the provisions of a Type II Rural Home Occupation. The hearing concluded the number of buildings already being used and their gross square footage exceeded 3,600. A Conditional Use Permit is required for this activity.</p>

KEY POINTS

- As a service-oriented business it generates no on-site customer traffic and is the type of existing industrial/business use *Horizon 2020, Chapter 7*, encourages supporting.
- Building is intended for use of personal property associated with business or property owner's use only.
- Storage of equipment for other businesses or persons not a resident of 1724 N 780 Road is prohibited.

ASSOCIATED CASES/OTHER ACTION REQUIRED

- Approval by the County Commission.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- No public comment was received prior to printing this Staff Report.

GENERAL INFORMATION

Current Zoning and Land Use: A (Agricultural) District; existing residence and farmland.

Surrounding Zoning and Land Use: A (Agricultural) District in all directions including scattered rural residential homes, accessory buildings and cropland.

Site Summary: Subject Property: Buildings:	19.64 acres 1. Residence 2. Ag. Building 3. Building previously removed 4. 56' x 60' Garage 5. 40' x 72' proposed storage building
Required Parking:	1 space per 2 employees required Minimum 3 employees Maximum 10 employees
Parking Provided:	Minimum 5 spaces shall be shown on face of revised site plan.

I. ZONING AND USES OF PROPERTY NEARBY

Staff Finding – The subject property is located on the south side of N 7800 Rd. The surrounding properties are used for agriculture or agricultural related purposes. Several rural residences are located in the vicinity located along the existing County roads. The subject property and the properties in all directions are zoned A (Agricultural).

II. CHARACTER OF THE AREA

Staff Finding – The area lays beyond any designated Urban Growth Area of Lawrence, Baldwin or Eudora and outside of the 3 mile buffer of any incorporated city. The area is predominantly rural residential/agricultural in nature. (See Map 1).

III. SUITABILITY OF SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED

Applicant response:

"Ag area, have worked excavating jobs in this area for several years."

Staff Finding – A Conditional Use Permit (CUP) does not change the base, underlying zoning. The suitability of the property for agricultural or rural residential use will not be altered. The A

District permits agricultural uses and related uses. The use is suitable to the site and to the uses to which it is restricted.

The proposed structure is of a size and nature that it could be reused for other residential/agricultural purposes if in the future the business element is removed. Storage of personal property is an allowed use in the "A" District. Accessory buildings are allowed when a primary building (residence) exists.

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

Staff Finding – County Zoning Regulations were adopted in 1966; this property has been zoned "A (Agricultural)" since that adoption. The property includes multiple improvements.



V. EXTENT TO WHICH REMOVAL OF RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTY

Applicant Response:

"Will not affect property in any way. We have always been here since 1977, with different equipment and trucks before CUP was ever even discussed."

This request does not propose to remove restrictions related to the base A (Agricultural) Zoning District. Certain uses are allowed within the "A" District provided that certain conditions are met. This proposed request is to allow an existing business to downsize and relocate to the business owner's place of residence. Home Occupations are allowed uses in the A (Agricultural) District. Specific standards must be met to comply with home occupations standards. It was determined that the total sum of building space on the site exceeds the maximum allowed for a home occupation (3,600 SF). Therefore, a Conditional Use Permit is required. (See Applicable Code Citation summary at beginning of report.)

Section 12-319-1.01 of the County Zoning Regulations recognize: *"certain uses may be desirable when located in the community, but that these uses may be incompatible with other uses permitted in a district...when found to be in the interest of the public health, safety, morals and general welfare of the community may be permitted, except as otherwise specified in any district from which they are prohibited."*

The proposed use falls under section 319 -4.24 of the Chapter XII, (Zoning Regulations) of the County Code. The use enumerated in this section is: *"12-319-4. 24. Truck storage facility ancillary uses, open or enclosed, provided that wholesale and retail sales (are) not be permitted on the premises. Open storage must meet the minimum yard requirements of the district in which it is located and must be screened by a view reducing wall, fence or landscaping material from adjacent public roads and adjoining properties."*

Approval of a Conditional Use Permit does not remove restrictions imposed by the A (Agricultural) zoning of the property.

Several notes are recommended on the face of the CUP plan to address screening, lights, and noise issues. Approval of this application would allow a use that is essentially operated as a home occupation.

The storage building's purpose is for providing additional enclosed storage space for excavation equipment associated with Jayhawk Excavating. The applicant has indicated that the space may also be used for his own storage of personal property but in no way shall it be used for storage of equipment for other businesses or as "mini storage" or storage of personal property such as recreational vehicles not owned by the property owner of record.

There is no retail traffic associated with this use. However, employees may park at the property to take equipment to off-site jobs. Areas for vehicular employee parking are located along the existing driveway of the site.

Staff Finding – No detrimental impacts have been identified for this proposed use.

VI. RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE BY THE DESTRUCTION OF THE VALUE OF THE PETITIONER'S PROPERTY AS COMPARED TO THE HARDSHIP IMPOSED UPON THE INDIVIDUAL LANDOWNERS

Applicant Response:

"Allows property owner to continue business in ag. environment."

This factor is a test of balance; weighing the relative gain to the public against the hardship imposed upon the property owner/applicant if the application is denied. As the use proposed conveys no specific public benefit, does denial of it convey an unreasonable hardship? In this case, the test of balance weighs in the favor of the property owner/applicant. The hardship imposed by denial of this Conditional Use Permit (CUP) application would not allow the applicant to downsize the business. Relocating the business to the residence allows the applicant to reduce the overhead associated with business operation. The current location, 1603 N 779 road (Highway 40) may be sold or repurposed for another use.

With the exception of the total square feet associated with existing buildings on the property this use could be operated as a Type II Rural Home Occupation. The applicant would be limited to not more than 4 employees as a home occupation. Because the total square feet of the buildings exceed 3,600 SF to was determined by County staff that a Conditional Use Permit is required.

Allowing the use to relocate to the residential home base through the approval of a CUP conveys no gain to the public –conversely, a denial would convey a loss to the community if the loss of the business operation occurred.

Staff Finding – Approval of the Conditional Use Permit would allow the continued operation of an existing business at a smaller scale than currently operated. The Conditional Use Permit provides a clearly enforceable document regarding the expectation of use of the property.

VII. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant Response—

"Comprehensive plan does not address a CUP."

An evaluation of the conformance of a Conditional Use Permit request with the comprehensive plan is based on the strategies, goals, policies and recommendations contained within *Horizon 2020*. The comprehensive plan does not address special or conditional use permits. The Plan does address agriculturally zoned/used land. *Horizon 2020* recommends; "Agricultural uses should continue to be the predominant land use within the areas of the county beyond the designated urban growth/service areas (rural area). Uses permitted in the rural area should continue to be limited to those which are compatible with agricultural production and uses..." (Page 5-6, *Horizon 2020*). *Horizon 2020* also speaks to existing businesses in the county and the need to: "Continue to address the needs of existing businesses and industries to ensure their retention in the community and to help facilitate expansion plans of those businesses and industries for the future". (Chapter 7) This request does not represent an expansion of an existing business. Approval of the request does facilitate the retention of an existing business.

Staff Finding – The issuance of special or conditional use permits is not discussed in *Horizon 2020*. However, the Plan does speak to the need to consider and support existing businesses in

the county by continuing "to address the needs of existing businesses and industries to ensure their retention in the community..."

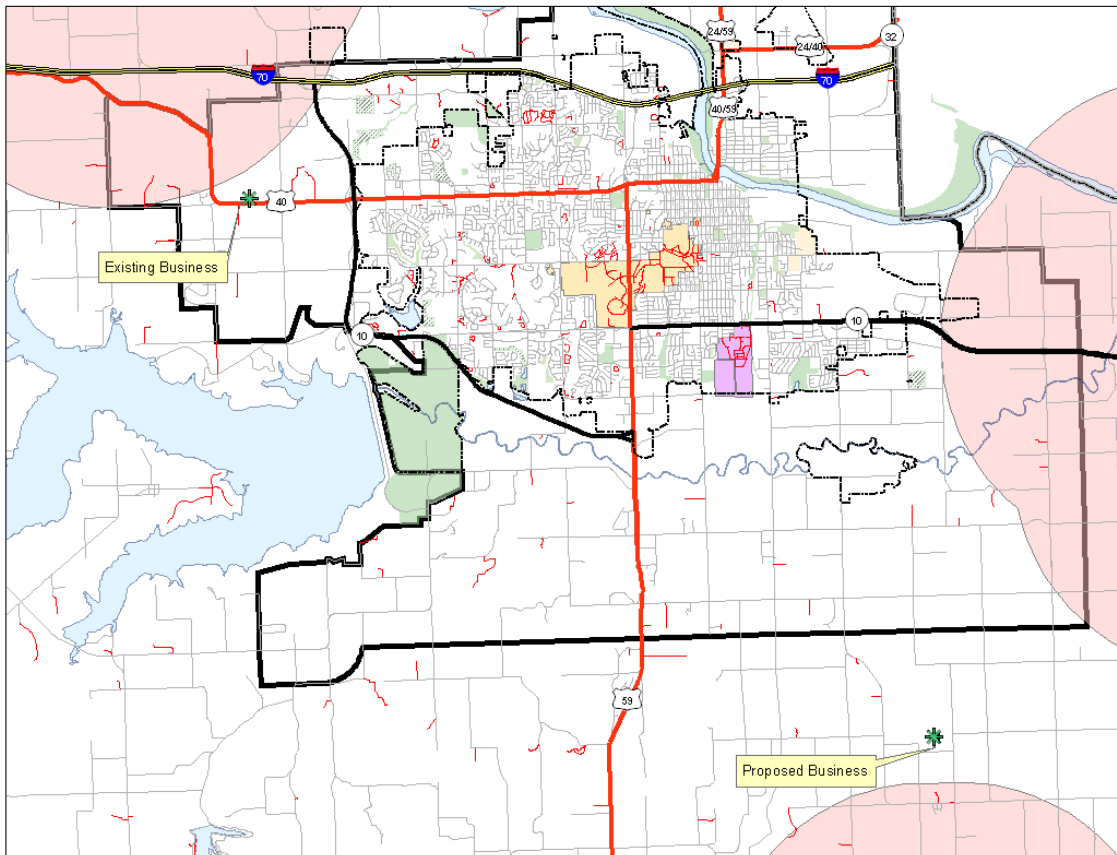
STAFF REVIEW

This request is for the approval of a Conditional Use Permit to allow for an excavation company to be operated from a residence. The property includes multiple accessory/storage buildings. A building has recently been constructed which is intended to store equipment associated with the business. The applicant has indicated that storage of large equipment and materials will occasionally be located outside of any of the structures (exterior storage). The site plan is being revised by the applicant to show the location of exterior storage areas and the associated parking area for employees.

The applicant has stated that the business currently employs up to 4 part time employees. The business would typically operate where employees would meet at a particular job site with the property owner moving equipment from the home location to the job site. The applicant has also stated that in some cases up to 10 employees could be employed and may require meeting at the home site to pick up equipment before heading to a specific job site.

History of Use Associated with Home Business: The County's home occupation regulations were revised in 2001 to categorize existing, and future uses, into three different types of rural home businesses. Development standards were adopted for each type the three types of rural home business.

The applicant started the business in 1977. Equipment included dump trucks and generally supported agricultural activities. According to the applicant, the business grew through the 1990's. In 1992 it became Jayhawk Excavating. At the pinnacle, the business included more than 15 employees and more than 30 pieces of equipment. The business operated from 1603 E 779 Road (north side of Highway 40) in western Douglas County under CUP-9-12-97. The original CUP was revised in 2006, CUP-3-2-06, to allow other excavation businesses to operate from the same site. This proposed CUP, CUP-9-4-10, will allow the relocation of the Jayhawk Excavation operation to the residence at 1724 N 780 Road. The CUP for the property at 1611 E 779 Road may continue to operate per the previous approval unless revised. This application does not alter or amend the CUP-03-02-06.



Proposed Site Improvements

This CUP includes a newly constructed 40' by 72' building to be used for equipment storage, but may also be used for personal property storage of the owner. The setbacks for the building exceed the minimum front, side and rear yard setbacks for the A District.

A formal parking lot is not proposed with this application. The applicant indicates that there will typically be 3 employees associated with the business and occasionally up to a maximum of 10 employees. Primarily, the owner/operator will be moving equipment from the storage building to a particular job site. Regardless, adequate area exists on site for employee parking in the area north of the residence and along the existing driveway.

Travel Route:

N 780 Road is a rock road, as are E 1700, E 1750 and N 790. The property is located within ½ mile of a hard surface road. The applicant will be subject to permitting by the County Public Works Department for "Over Size/Over Weight Vehicles." Staff recommends that, as a condition of approval, the applicant provide a copy of the permit for the file. (See Map 2.)

While a hard surface road is located within close proximity to the proposed business, the applicant shall be subject to standards for controlling dust that result from the increased activity. Staff recommends that a condition be added to the approval that subjects the applicant to being responsible for dust treatment and that the County Commission reserves the right to

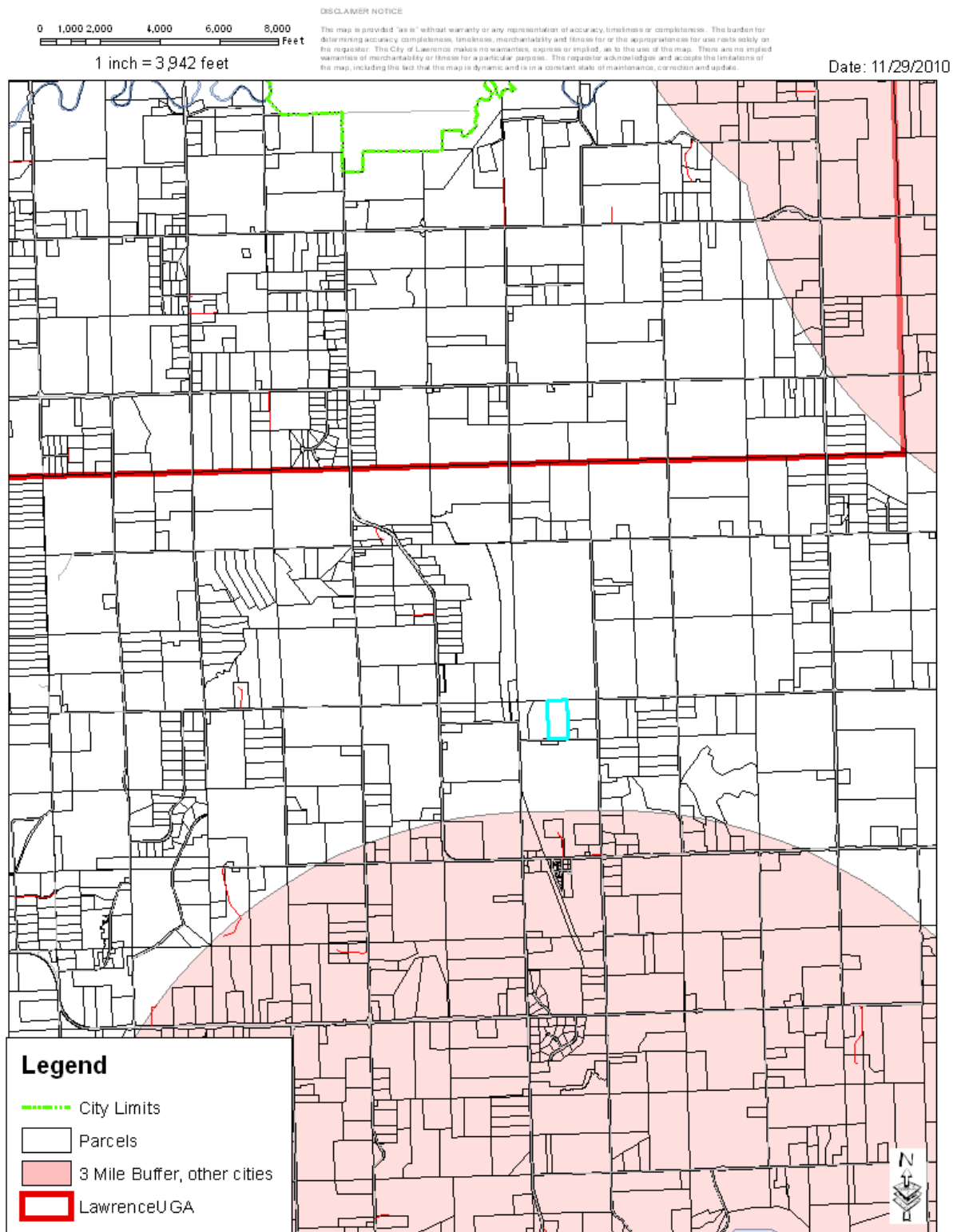
review the application to assure that compliance is met or if complaints are received from the County Public Works, Township, or surrounding neighbors.

Conclusion:

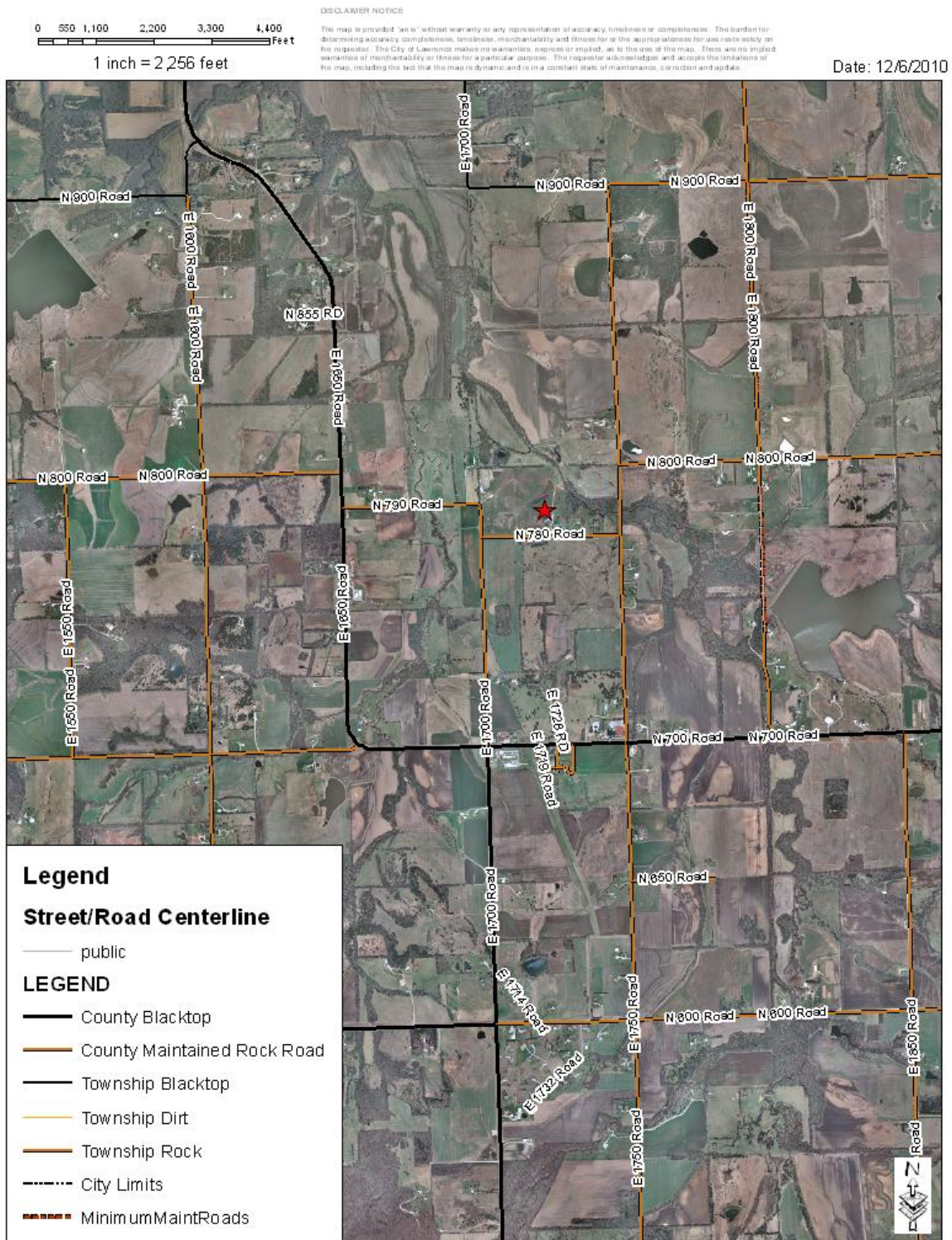
The use proposed is an appropriate application of the Conditional Use Permit regulations in the Zoning Regulations.

The notes are recommended to clarify the use of the property and comply with minimum standards of a site plan.

Map 1: Character of Area



Map 2: Travel Route

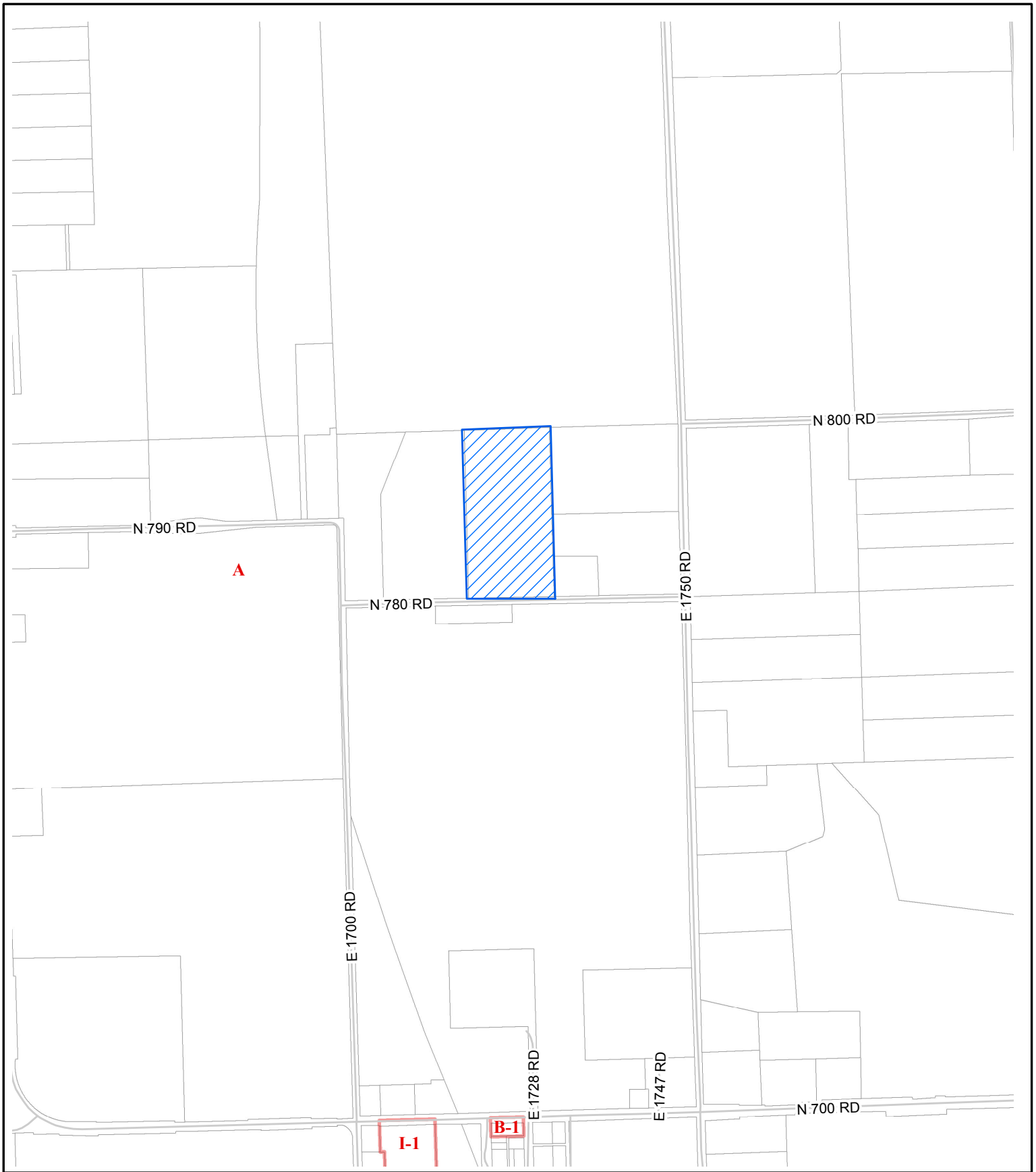


DISCLAIMER NOTICE - The map is provided "as is" without warranty or any representation of accuracy, timeliness or completeness. The burden for determining accuracy, completeness, timeliness, merchantability and fitness for or the appropriateness for use rest solely on the requester. Douglas County makes no warranties, express or implied, as to the use of the map. There are no implied warranties of merchantability or fitness for a particular purpose. The requester acknowledges and accepts the limitations of the map, including the fact that the map is dynamic and is in a constant state of maintenance, correction and update.



Allen Rockhold - 1724 N 780 RD






CUP-09-04-10
1724 N 780 Rd

Lawrence-Douglas County Planning Office
December 2010



 Area Requested
Scale: 1 Inch = 1000 Feet

PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item:

Staff Report
12/13/10

ITEM NO. 2 SPECIAL USE PERMIT; 345 FLORIDA ST (SLD)

SUP-10-7-10: Consider a Special Use Permit for a day care facility located at 345 Florida Street, on approximately 1.065 acres. Submitted by Peridian Group, Inc., for DCCCA Inc., c/o of Elizabeth B. Ballard Community Center, Inc., property owner of record.

STAFF RECOMMENDATION: Planning Staff recommends approval of SUP-10-07-10, a Special Use Permit for a day care center located at 345 Florida Street, based upon the findings presented in the body of the staff report and subject to the following conditions:

1. Execution of a Site Plan Performance Agreement.
2. Publication of an ordinance per Section 20-1306 (j).
3. Provision of a copy of the Health Department license prior to operation to be included in the record file of this application.
4. Provision of a revised site plan to include the following notes and changes:
 - a. Application shall be subject to review by Staff prior to the addition of before and after school care programs.
 - b. Provision of a revised site plan to show additional landscaping in the interior parking lot islands to include two trees and 6 shrubs.
 - c. Provision of a revised legal description to include the new minor subdivision.
 - d. Revise general note 6 on the face of the plan to indicate that the building is vacant.
 - e. Revise drawing to note the portion of the sanitary sewer main that will be abandoned in place under the new building.

Applicant's Reason for Request: *A Day Care Facility requires a Special Use Permit within the RSO zoning. The existing SUP has expired.*

KEY POINTS

- Proposed use will operate from a new facility to be constructed.
- Property has a previous history as community related uses.
- Property is located at the corner of a collector street/local street intersection.
- Property is located in the Pinckney Neighborhood.
- Development Code requires Special Use Permit approval for Day Care Centers when located in residential districts.

FACTORS TO CONSIDER

- Procedural requirements of Section 20-1306; Special Use Permits.

ASSOCIATED CASES/OTHER ACTION REQUIRED

- UPR-8-12-85; First Step House.
- SUP-1-2-08; Day Care Facility – Ballard Center, expired.
- MS-11-8-10; minor subdivision to consolidate lots into a single parcel.
- Publication of an ordinance per Section 20-1306(j).

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

No comments have been received.

GENERAL INFORMATION	
Current Zoning and Land Use:	RSO (Single-Dwelling Residential-Office) District. Existing development to be removed.
Surrounding Zoning and Land Use:	RM24 (Multi-Dwelling Residential) District; in all directions except for 330 Minnesota which is zoned RSO. Surrounding uses include residential attached and detached dwellings in all directions.
Site Summary	
Legal Description	Lots 8, 9, and 10 Northwood Addition Replat and Lots 11, 12, and 13, Minnesota Addition. Proposed as <i>Minor Subdivision Petey Cerf Early Education Center (MS-11-18-10)</i> .
Location	345 Florida Street
Property Area	46,345 SF
Use Group	Day Care Center (20-1720 (3))
Existing Buildings	Proposed for demolition
Proposed Building	11,785 SF
Proposed Students	100 total students [infant, toddler, and preschool age]
Required Off Street Parking	Day care 1 space per 1.5 employees + 4 additional spaces = 18 employees = 16 spaces required
Off-Street Parking Provided	16

Summary:

The proposed request is for year-round early childhood learning/care for children ages birth to pre-school. School age and before/after school care is not proposed for this facility. Site development includes a new building, outdoor play area and off-street parking. The building is currently vacant.

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

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

Applicant Response: *"Yes, Day care Facilities are allowed within this zoning by obtaining a Special Use Permit. All code setback requirements have also been met."*

Staff Finding – The proposed use is for a day care center (per section 20-1720 (3)) and is allowed in the RSO district subject to the approval of a special use permit. Standards applicable to day care center are found in section 20-507. This use requires minimum 4' high fencing of outdoor play areas. The proposed use complies with the Development Code as conditioned.

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

Applicant Response: *"The proposed use is the same as the existing use as a day care facility, adjacent to multi-family residential (RM24). Other than the proposed building will be slightly larger,*

but in the same location, and the parking lot will move access off Minnesota Street, all other operating characteristics such as lighting, noise, hours of operation, and traffic will remain the same as existing.”

A Special Use Permit for a day care center was previously approved for this same property in 2008. The property was originally developed as an institutional use (nursing home). Additional uses include a women’s recovery/transitional housing facility, and a planned day care facility. Water damage to the building requires that the existing structure be demolished. A new facility is proposed. Redevelopment of the site will reorganize the location of the building, parking lot, and play areas. A detailed discussion of the site plan is included later in this report. The proposed use will be compatible with the adjacent uses in terms of scale, site design and operating characteristic.

Staff Finding – Approval of the Special Use Permit does not alter the base zoning district. The proposed use is compatible with the adjacent uses.

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

Applicant Response: *“No, as stated before, a day care facility is the current use. If anything, improvements should increase surrounding property values.”*

The property was originally developed as a nursing home located within the neighborhood setting. The most recent use was as a residential care facility (UPR-08-15-85; First Step House). A Special Use Permit was approved for a change in use to allow the operation of a day care. The building was damaged prior to the opening of the facility for use and is currently vacant. Clearly there will be more daily activity to and from the site with up to 100 students and 18 staff than in the recent past. The site configuration will take traffic off Florida and move it to Minnesota Street. The property has a long history of community facility use. The proposed request represents a substantial investment in the property with new construction.

Staff Finding – The subject property is developed with an existing building, previously approved for a day care use. Because of damage to the building the existing structure will be removed allowing the site to be more efficiently used and designed specifically for a day care use. The property has been used for community related uses since the original development. No negative impacts are anticipated for the neighborhood resulting from the planned day care use or the site redevelopment plans.

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

Staff Finding –The subject property is an existing improved property that was a former residential treatment facility (First Step House 1985 to 2007) and a nursing home prior to 1985. New utility services are not required for the existing building. Water, sewer, and private utilities are all ready extended to this property. Redevelopment of the site includes abandonment of an existing sanitary sewer main that is currently under the building. This abandonment will be an improvement to the public system.

5. WHETHER ADEQUATE ASSURANCES OF CONTINUING MAINTENANCE HAVE BEEN PROVIDED

Staff Finding –The site plan will function as the enforcement document to assure that maintenance and use of the property is consistent with the approval.

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

Applicant Response: *"No, improvements should improve the natural environment. Owner is looking to obtain LEED Platinum certification for this daycare facility, therefore improvement impacts from existing [conditions]. We will be looking at constructing bioswales and pervious pavement onsite, and a LEED certified building to avoid these adverse impacts. ."*

Staff Finding – The subject property is located within a developed urban neighborhood. It should be noted that the proposed site improvements will voluntarily use "green building practices" to mitigate impacts to the largest degree possible.

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

Staff Finding –Historically Special Use Permits for day care centers (UPR's under the 1966 code) have not been restricted with a time limit. However, limitations have been placed on the operator, occupancy, and care. Staff recommends the approval be specific to the operator of the facility. Changes in the operator of the day care center shall be required to notify staff of the change. Additionally, staff recommends that the application be subject to review by staff prior to the addition of before and after school care programs.

Site Plan Review:

The site is being redeveloped. The site will be cleared of existing improvements to allow for new construction of an 11,785 SF building. A new lot parking and building access will be provided from Minnesota Street. The current outdoor area is located on the Minnesota Street side of the property. The new configuration will provide outdoor play area on the Florida Street side of the new building.

Off-Street Parking: The Development code states that no part of a parking area may be located within 25' of the right-of-way in any residential district (20-909(b)). The site plan complies with the required setback. Off-street parking is required at 1 space per 1.5 employees plus 4 additional spaces. A parking summary is included at the beginning of this report.

A drop off area is provided at the front entrance of the building. The parking lot is designed with a one-way circulation and a single driveway entrance. This will minimize driver conflict on site.

Landscape: The subject property is "L" shaped and is zoned RSO, a residential district. The parking lot is located on the west side of the property. The surrounding property in all directions is zoned RM24, a high-density multi-dwelling district. The exception is the RSO zoned multi-dwelling residence located at 330 Minnesota in the northwest corner of the area along Minnesota Street. This building includes four dwelling units. No buffer yard is required for the portion of the property that abuts the residence.

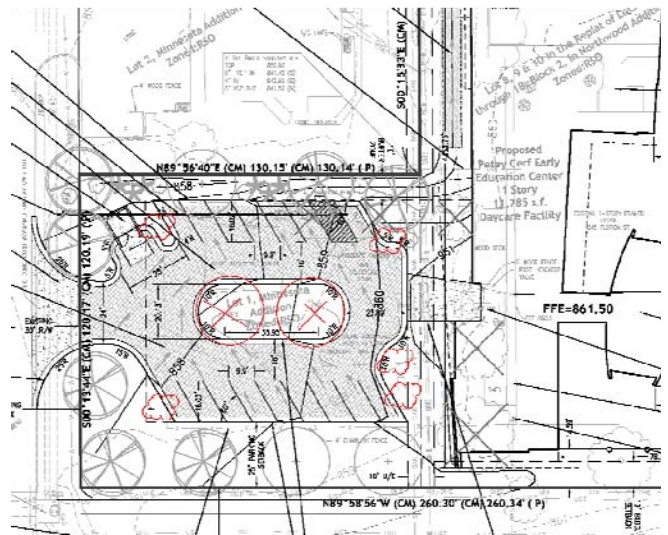
- A Type 1 Buffer Yard is required where the RSO and RM24 districts abut.

The site has been designed with a 10' buffer and includes dense plantings along the common property line between the site and the residence to the north along Florida Street. Although not required Type 1 Buffer Yard treatment has also been applied to the north property line between the 4-plex and the parking lot.

Other applicable areas for a Type 1 Buffer Yard are located concurrently along the public right-of-way. The parking lot has been designed with street trees and shrubs within the 25' parking lot setback. The area along the west portion of 4th Street and along Florida Street includes only existing street trees and no other landscape materials. This area is fenced to enclose the play yard for the day care.

Street trees will be added to the site along 4th Street and along Minnesota Street. Existing street trees along Florida Street and the east portion of 4th street are intended to be retained. Any damage to the existing street trees resulting from the construction process will require new trees to be planted.

The parking lot includes a large center island and several smaller islands at the corners of the parking lot that provide the required interior green space. Additional landscaping is needed in the islands to comply with section 20-1003. Staff recommends that two additional trees and at least 6 shrubs be provided in the islands.



CONCLUSION:

This request includes redevelopment of an existing site for a community facility use, specifically a day care center. Staff has noted that the landscape materials must be installed to comply with the Development Code requirements. As a day care center in a residential zoning district a Special Use Permit and public hearing is required. This project represents a significant investment in the neighborhood. The property has a long history of being used for community facility uses.

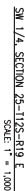
Property Surface Summary :

EXISTING SUMMARY	SUMMARY AFTER PROJECT
TOTAL BUILDINGS 8410 S.F.	TOTAL BUILDINGS 15,107 S.F.

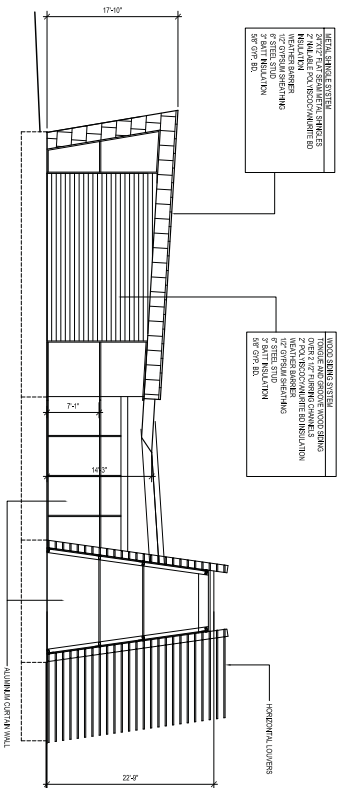
Parking Summary:

- VEHICLE PARKING REQUIRED FOR USE: 1 PER 1.5 EMPLOYEES + 4 SPACES
BICYCLE PARKING REQUIRED FOR USE: NONE
PARKING REQUIRED = 18 EMPLOYEES/1.5+4 SPACES= 16 | PARKING PROVIDED = 16
ADA PARKING REQUIRED = 1.667 | PARKING PROVIDED = 1.667

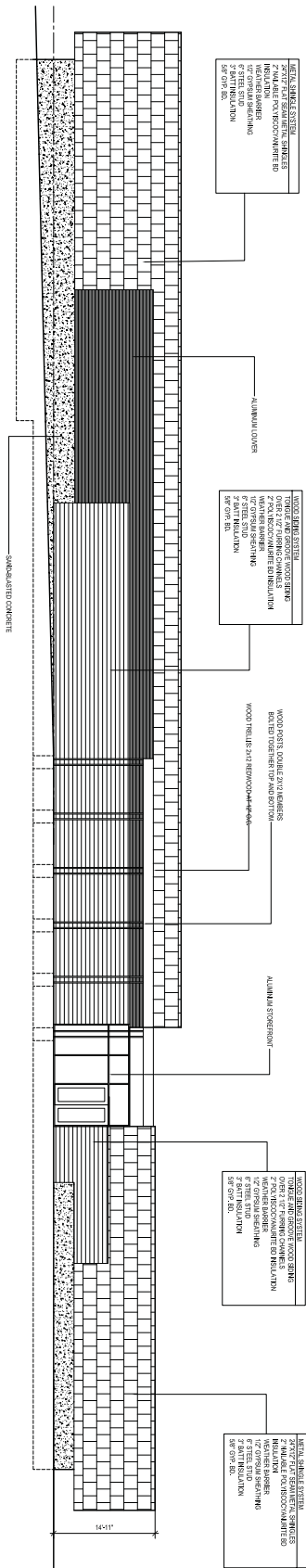
Location Map:



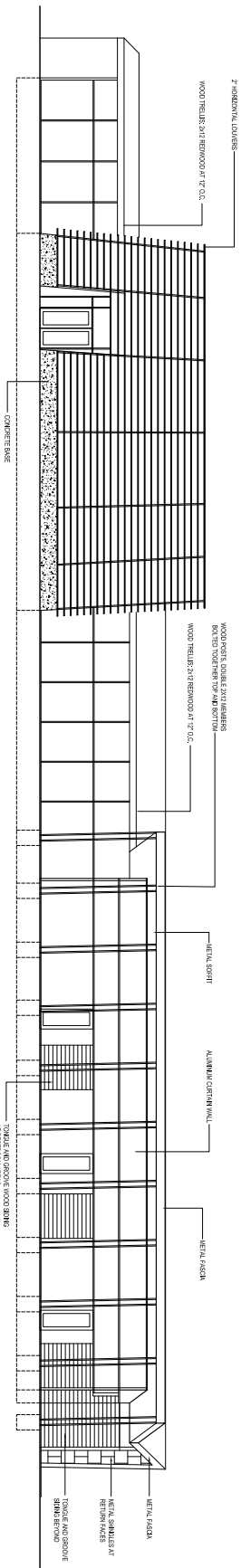
Petey Cer



H1 SOUTH ELEVATION
SCALE: 1/8"=1'-0"



C1 WEST ELEVATION
SCALE: 1/8"=1'-0"



A1 EAST ELEVATION
SCALE: 1/8"=1'-0"

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James C. Lawrence, Jr., Principal
S. J. Lawrence, Jr., Principal

Project Type
petey cerf
child dev
center

fourth and florida

Lawrence, KS

NOV DATE DESCRIPTION

Project No 000-0000
Drawing No aug 30, 2010
Sheet

ELEVATIONS

A201

design development



SUP-10-07-10
345 Florida St







expose wood : *children areas*

skin : *metal shingle system*





**Ballard Community Services
Fourth & Florida, Lawrence, KS**

**Petey Cerf Early Education Center for Children & Families
(formerly DCCCA, Inc., First Step House)**

PROPOSAL & BACKGROUND

**Ballard Community Services
Fourth & Florida**

**Petey Cerf Early Education Center for Children & Families
(formerly DCCCA, Inc., First Step House)**

Proposal:

Ballard Community Services would like to expand its operation to the Fourth and Florida site, formerly the DCCCA First Step House. The proposal for this site would be to create a business private partnership that includes working with local employers to provide their employees with early education slots for children ranging in age from infants that are 12 weeks old to preschoolers to the age of five. This project would primarily house Ballard's early education program but would allow for the agency to provide all of their human service programs to the families of the children participating in the program. Ballard would also like to collaborate with other non-profit organizations to provide services to the children and families as necessary.

Concept:

Ballard Community Services will raze the existing structure at the property and will build a LEED Certified Green building to be used as an early education facility which will include the following:

- 2 infant rooms which will each have 9 infants enrolled
 - 2 toddler rooms which will each have 10 toddlers enrolled
 - 1 toddler room which will have 14 toddlers enrolled
 - 3 preschool rooms which will each have 12 preschoolers enrolled
- In addition a minimum of 16 employees will be on site at any given time.

**Ballard Community Services
Fourth & Florida**

**Petey Cerf Early Education Center for Children & Families
(formerly DCCCA, Inc., First Step House)**

Background

Mission:

Ballard Community Services is a non-profit corporation that provides an affordable, high quality early education program and essential basic life assistance to families and individuals in need.

History:

- | | |
|-----------|---|
| 1964 | Ballard Community Center was purchased by Anna “Petey” Cerf from the Board of Education. She donated the building in memory of her mother to the Community Children’s Center, Inc., for use as a community center to benefit the citizens of Lawrence. The first use was to house the Children’s Hour nursery school program. Originally, the Community Center formed Head Start – currently housed at Plymouth Congregational Church, the Big Brother’s program and the Ballard Center programs. |
| 1967 | Library opened at the center with 1,000 books – first 5 ½ weeks 600 books checked out, mostly by children never experiencing a library before. |
| 1968 | Housing and Leadership programs developed and implemented the following programs:

4-H Club
Arts & Crafts Classes
Teen Drop-In Center was organized with adult volunteer leadership
Clothing Room opened – sold clothes for 10 cents per item
Ballard Youth Council developed
North Lawrence improvement Association Developed through Ballard Center
Ballard Center Employment Office opened. Prospective employees brought to center to meet potential employers. |
| 1969-1975 | Center operated as a drop-in center for local black teens |
| 1975 | Ballard after school and summer youth program developed |
| 1976 | Academic component of other school program added |
| 1981 | Rainbow Child Development Center opened at Ballard Community Center |

2003	Merged the Douglas County Emergency Services Council with Ballard Community Center
2005	Merged with the Penn House Association with Ballard Community Center, following the merger, the Board of Directors changed name of the organization to Ballard Community Services with administration of the Ballard Center, Emergency Services Council, and Penn House
2007	Ballard Community Services consolidated with Brookcreek Learning Center expanding early education services to three sites serving infants to preschoolers
2008	Purchased the property located at the corner of Fourth and Florida with the plan to renovate the building and open a new early education center
2009	Due to a faulty 4" end-cap on the fire suppression system, the cap burst, flooded and destroyed the building
April 2010	Sixteen months after the flood, Ballard Community Services received their settlement from the insurance company for the destroyed building
September 2010	Just five months after receiving settlement, Ballard Community Services has a design developed for the site to be a LEED Certified Green building which will operate as a learning tool as well as early education center for 88 new students

Statement of purpose:

The Elizabeth B. Ballard Community Center is committed to being a place that serves children by ensuring that all children, particularly those who are low-income, have access to an affordable high quality early childhood education. Children learn better if they are not hungry, if they are not worrying about where they are going to stay or whether they are going to have a warm place to sleep, therefore, we work hard to provide food, shelter and positive relationships for children and families. Our staff and volunteers also provide opportunities for families to learn new skills and seek further education. We help provide families with the necessary encouragement to help them seek true self-sufficiency. The Ballard Center Board and staff believe that it is necessary to the well being of the community that we work with other agencies and partners to solve issues that arise and that threaten the well being of children and their families. We know that it is vital to our community that children and families are provided with the assistance they need to reach their highest potential. The Ballard Center prides itself on being a community driven agency whose mission to serve for the success of others.

PLANNING COMMISSION REPORT
Regular Agenda -- Public Hearing Item

PC Staff Report
12/13/10

ITEM NO. 3 TEXT AMENDMENT TO CITY OF LAWRENCE DEVELOPMENT CODE; RM32 DISTRICT (MJL)

TA-6-8-10: Consider Text Amendments to the City of Lawrence Land Development Code, Chapter 20, related to the density and development standards in the RM32 (Multi-Dwelling Residential) District including potentially increasing the maximum dwelling units per acre limit in that district.
Initiated by City Commission on 7/13/10.

RECOMMENDATION: Staff Recommendation

Staff recommends approval of the amendment to Section 20-601(a) of the Land Development Code to add a footnote to the RM32 District to calculate density and minimum outdoor area for Multi-Dwelling Structures as .5 dwelling units per acre for studio, 1 and 2 bedroom units and 3 bedroom and higher as 1 dwelling unit.

Reason for Request: Current RM zoning has no incentives to help the community achieve one of the goals of the Lawrence/Douglas County Comprehensive Land Use Plan; to encourage redevelopment and development of infill property. We would like to propose that the cap currently on the existing RM32 be removed to allow for increased density provided that all the other restrictions of the RM32 zoning be met under 20-601. [Paul Werner Architects initiation letter to CC dated June 15, 2010]

RELEVANT GOLDEN FACTOR:

- This proposal is generally in conformance with the comprehensive plan providing the opportunity to create a mix of residential types, styles and economic levels in the city.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- Communication from Kirk McClure (8/13/10; 11/1/10)
- Communication from Stan Hernly (10/7/10)
- Communication from the Lawrence Preservation Alliance (9/19/10; 11/28/10)
- Communication from Joe Bickford and Marci Francisco (8/22/10)
- Communication from League of Women Voters (8/23/10; 10/25/10)

OVERVIEW OF PROPOSED AMENDMENT

The RM32 District is the densest residential district in the Code, permitting 32 dwelling units per acre. The City Commission initiated consideration of a request which to eliminate the maximum dwelling unit per acre cap, only in the RM 32 District, when all other Development Code requirements are met. Below is a summary of the other requirements that would need to be met:

- Density and Dimensional Standards
 - Minimum lot area: 6,000 square feet
 - Minimum lot width: 50'
 - Minimum lot frontage: 50'
 - Minimum setbacks:

- Front: 25
- Side exterior: 25' when abutting an interior side lot line, 10' when abutting a rear lot line
- Side interior: 5'
- Rear: 20' single frontage, 25' double frontage
- Maximum building coverage 60% (applies only to lots platted after the effective date or any improvements which increase the building coverage or impervious coverage.)
- Maximum impervious cover 80% (applies only to lots platted after the effective date or any improvements which increase the impervious coverage or building coverage)
- Minimum outdoor area per dwelling: 50 square feet
- Minimum outdoor area dimensions per dwelling: 5'
- Maximum building height: 45' (approx 4-5 stories)
- Parking (multi-dwelling structure)
 - Vehicle parking: 1/bedroom + 1/10 units
 - Bicycle parking: 1/4 auto spaces
 - Auto parking dimensions (stalls, drive aisles)
- Landscaping
 - Parking lot landscaping (interior and perimeter)
 - Bufferyards
 - Screening of dumpsters and mechanical equipment
- Balconies on a multi-dwelling unit building
 - Balconies above the second story of a multi-dwelling unit building are prohibited along the exterior of a RM development unless the building setback is increased to at least double the required minimum setback and landscaping is enhanced with two or more of the following features: a minimum 4' berm, a solid screening fence (6' minimum height) or a masonry wall (6' minimum height). This provision shall apply only to those exterior sides of a Planned Development that are adjacent to RS zoning or to detached Dwelling Units.
- Photometric Plan (lighting plan)
- Sidewalks along public streets

One of the issues the applicant has presented is related to how the zoning regulations calculate density. The code defines a dwelling unit by the presence of a kitchen and does not differentiate between a 1-bedroom unit and a 4-bedroom unit. Therefore depending on configuration, the same building mass could include equal numbers of bedrooms but significantly different dwelling unit counts which affects calculated density. Staff recognizes the community need for 1 and 2-bedroom units as well as 4-bedroom units. An argument can be made that if the total number of bedroom are contained in the same building form (regulated by setbacks, height, parking, bufferyards, and outdoor space) the total number of units is not relevant.

CONFORMANCE WITH THE COMPREHENSIVE PLAN

This change is generally in conformance with the comprehensive plan by giving the opportunity to create a mix of residential types, styles and economic levels in the city.

CRITERIA FOR REVIEW AND DECISION-MAKING

Section 20-1302(f) provides review and decision-making criteria on proposed text amendments. It states that review bodies shall consider at least the following factors:

1) Whether the proposed text amendment corrects an error or inconsistency in the Development Code or meets the challenge of a changing condition; and

Applicant Response

No

Staff Response

Over the past few years there have been many discussions supporting higher density development and building up and not out (infill vs. sprawl). This change would support this development perspective regarding increasing density in the highest intensity multi-family district and facilitating the potential for infill development at a higher density while meeting all other requirements in the code. With the adoption of the SmartCode, the community has shown support for higher density development.

However, the proposed change may arguably increase pressure to consolidate lots in the Oread Neighborhood to provide larger properties for redevelopment. This could result in significantly larger structures within a neighborhood which could change the streetscape and historic character defining patterns of small structures with yards between.

2) Whether the proposed text amendment is consistent with the Comprehensive Plan and the stated purpose of this Development Code (Sec. 20-104).

Applicant Response

Horizon 2020 encourages the redevelopment and development of infill property. This revision will encourage redevelopment of the old apartment structure on RM32 zoned areas, with more modern and energy efficient 1 and 2-bedroom apartments.

The intent of the code is to provide higher density housing close to the University of Kansas and near downtown.

Staff Response

Horizon 2020 supports a mix of housing types and densities in addition to the SmartCode concepts of higher density development and a mixing of uses. Such a change may create pressure to demolish existing housing stock in favor of property consolidation but this pressure arguably exist today and is somewhat regulated by Historic Preservation. This amendment may pit redevelopment goals against preservation and neighborhood character goals.

Staff Discussion

Staff has reviewed the discussion from the October 27th PC meeting and has drafted text to address the issue in a simpler way. The issue really came down to the way density is calculated based on a dwelling unit and not to the number of bedrooms. Discussion from the applicant was that if you can maintain the number of bedrooms and people, then the number of dwelling units shouldn't matter. Staff and the PC have discussed various options for this text amendment. Staff has looked at density bonuses and this direction became very complicated and offered minimal predictability for development. The Oread overlay districts were discussed as an option to address the issue but the overlay districts are a project that is not funded for the coming year (will most likely require a consultant) and will take a considerable amount of time to complete. The creation of a new, higher density multi-family residential district is a direction that can be taken, however staff believes that it warrants public discussion regarding whether this is a policy direction that the city in general would like to take.

Staff believes that the proposed change in how certain types of units within a multi-dwelling structure are calculated in the RM32 District is a way to address the equivalency of the number of overall bedrooms in a multi-dwelling structure versus the number of dwelling units. Staff supports a change to provide flexibility in the RM32 District which is primarily near the KU campus. This change is not suggested in all RM Districts at this time.

Staff recommends adding a footnote to the residential density and dimensional table to allow, only in the RM32 District, the ability to calculate studio, 1 and 2 bedroom units as .5 dwelling units and 3 bedrooms and larger apartments to count as 1 dwelling unit. The outdoor area per unit would be calculated in the same manner. Parking calculations would not be affected and will remain at a rate of bedrooms and total units.

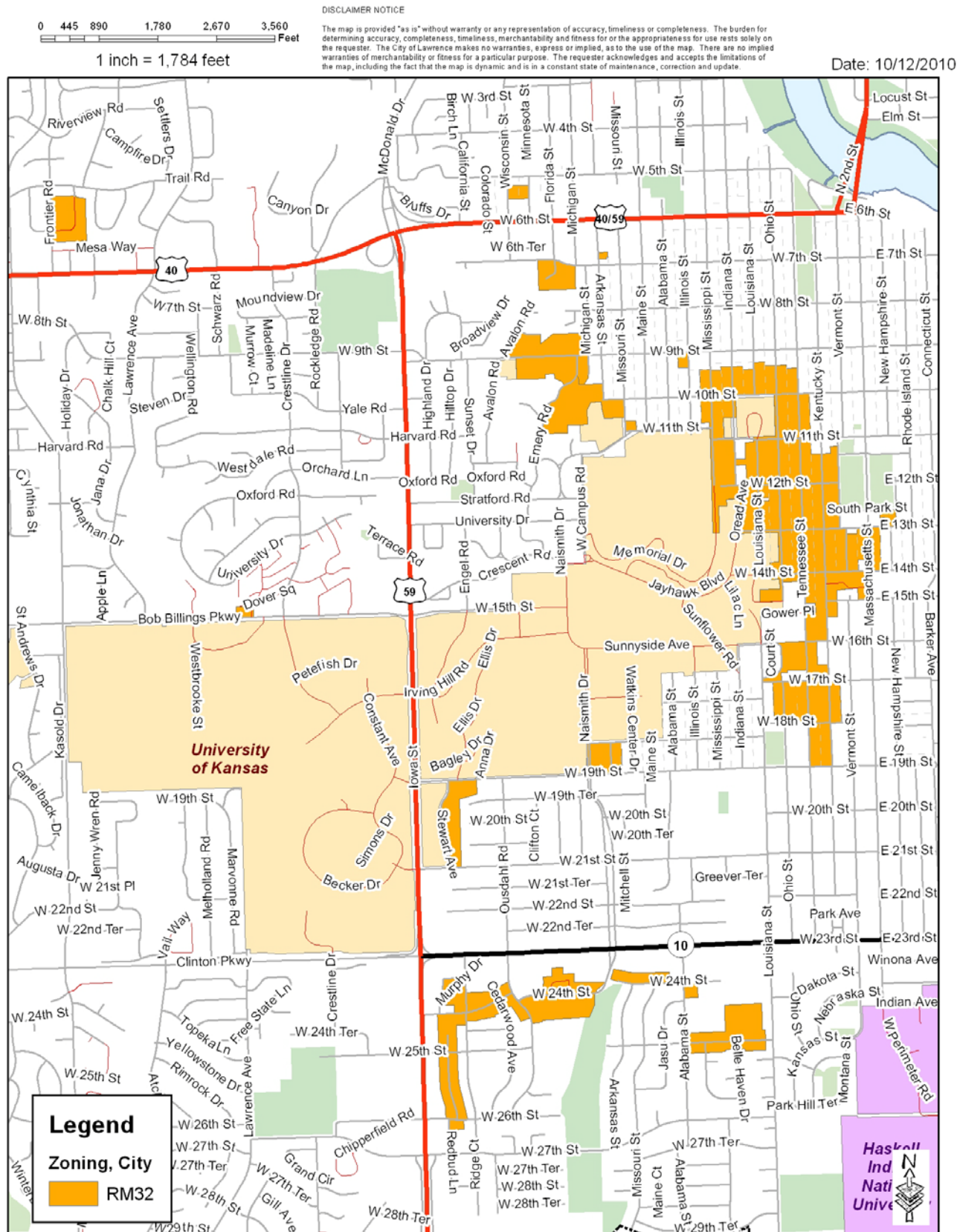
Below is a comparison table for two scenarios to demonstrate how this text change could work. The scenario constant is the RM32 District zoning and the proposal is to develop with a multi-dwelling structure with the maximum number of dwelling units permitted. These scenarios are theoretical since the maximums may not be attainable on every site.

Lot Size	Maximum Dwelling Unit Count	Total Dwelling Unit Count	Calculated Dwelling Units (.5 for studio, 1 and 2 br	Bedroom Count	Calculated Outdoor Area Requirement 50sf/ dwelling unit	No. of Parking Spaces Required (1/br + 1/10 dwelling units)
1 acre	32	32 (4 bedroom units)	32	32 units * 4 br/unit = 128	50 * 32 = 1,600 sq ft	132
1 acre [with TA]	32	64 (2 bedroom units)	.5 * 64 = 32	64 units * 2 = 128	50 * 32 = 1,600 sq ft	135
100' X 117' (two standard 50' X 117' Original Townsite lots in Oread)	8	8 (4 bedroom units)	8	8 units * 4 br/unit = 32	50 * 8 = 400 sq ft	33
100' X 117' (two standard 50' X 117' Original Townsite lots in Oread) [with TA]	8	16 (2 bedroom units)	.5 * 16 = 8	16 units * 2 = 32	50 * 8 = 400 sq ft	34

Staff Recommendation

Staff recommends approval of the amendment to Section 20-601(a) of the Land Development Code to add a footnote to the RM32 District to calculate density and minimum outdoor area for Multi-Dwelling Structures as .5 dwelling units per acre for studio, 1 and 2 bedroom units and 3 bedroom and higher as 1 dwelling unit.

- Map shows all RM32 Districts



DRAFT CODE TEXT

Changes noted in **red and highlight**

20-601 DENSITY AND DIMENSIONAL STANDARDS

(a) Residential Districts

Unless otherwise expressly stated, all development in R Districts shall comply with the **Density** and Dimensional Standards of the following table:

Standard	RS40	RS20	RS10	RS7	RS5	RS3	RSO	RM12/ RM12D [6]	RM15	RMO	RM24	RM32	RMG
Min. Lot Area (sq. ft.)	40,000	20,000	10,000	7,000	5,000	3,000	5,000	6,000	6,000	5,000	6,000	6,000	10,000
Min. Lot Area per Dwelling Unit (sq.ft.)	40,000	20,000	10,000	7,000	5,000	3,000	--	--	--	--	--	--	--
Max. Dwelling Units per acre	--	--	--	--	--	--	15	12	15	22	24	32 [7]	1
Min. Lot Width (ft.)	150	100	70	60	40	25	50	60	60	50	50	50	50
Min. Lot Frontage	40	40	40	40	40	25	40	60	60	40	50	50	50
Min. Setbacks (ft.):													
Front [5]	25	25	25	25	20	15 [1]	25	25	25	25	25	25	25
Side (Exterior) [2][5]	25/25	25/20	25/15	25/10	20/10	15/10	25/10	25/10	25/10	25/10	25/10	25/10	25/10
Side (Interior) [5]	20	20	10	5	5	5	5	5	5	5	5	5	5
Rear [3][5]	30/35	30/35	30/25	30/25	20/25	20/25	20/25	20/25	25/25	20/25	20/25	20/25	20/25
Max. Bldg. Cover (% of site)	15 [4]	30 [4]	40 [4]	45 [4]	50 [4]	50 [4]	50 [4]	50 [4]	50 [4]	50 [4]	50 [4]	60 [4]	60 [4]
Max. Impervious Cover (% of site)	25 [4]	50 [4]	70 [4]	70 [4]	75 [4]	75 [4]	75 [4]	75[4]	75 [4]	75[4]	75[4]	80[4]	80[4]
Min. Outdoor Area (per Dwelling):													
Area (sq. ft.)	None	None	None	None	240	150	None	50	50	50	50	50 [7]	None
Dimensions (ft.)	N/A	N/A	N/A	N/A	12	10	N/A	5	5	5	5	5	NA
Max. Height (ft.)	35	35	35	35	35	35	35	35	45	45	45	45	35[4]

[1] Minimum garage entrance Setback = 20 feet

[2] First number represents minimum Exterior Side Setback when subject Lot is adjacent to an abutting interior Side Lot Line. Second number represents minimum Exterior Side Setback when subject Lot is adjacent to an abutting Rear Lot Line.

[3] First number represents minimum Rear Setback for Single Frontage Lot. Second number represents minimum Rear Setback for double Frontage (or through) Lot.

[4] Applies only to Lots platted after the Effective Date or any improvements on a property after the Effective Date which increase the Building coverage or impervious coverage.

[5] Additional Setback restrictions apply to properties developed adjacent to RS zoned properties where expressly required elsewhere in the Development Code.

[6] Density and Dimensional Standards for the RM12D District are the same as those for the RM12 District.

[7] For Multi-Dwelling Structures in the RM32 District, Dwelling Unit per acre shall be calculated as follows: studio, 1 bedroom and 2 bedroom units count as .5 Dwelling Units, and 3 or more bedroom units count as 1 Dwelling Unit. Minimum outdoor area shall be met based on the total calculated Dwelling Unit count.

ITEM NO. 7 TEXT AMENDMENT TO CITY OF LAWRENCE DEVELOPMENT CODE; RM32 DISTRICT (MJL)

TA-6-8-10: Consider Text Amendments to the City of Lawrence Land Development Code, Chapter 20, related to the density and development standards in the RM32 (Multi-Dwelling Residential) District including potentially increasing the maximum dwelling units per acre limit in that district. *Initiated by City Commission on 7/13/10.*

STAFF PRESENTATION

Ms. Michelle Leininger presented the item.

Commissioner Harris inquired about 80% impervious surface that was mentioned in the staff report. She said that seemed high.

Ms. Leininger said that was a current regulation in the Code.

Commissioner Harris inquired about the cost of adding energy efficient elements to building.

Ms. Leininger said she did not have a specific answer but that she would lean toward yes.

Commissioner Harris asked if the returns would benefit the community.

Ms. Leininger said it would benefit the property owner by using the earth to heat/cool the structure with no chemicals or gas. She also mentioned tax rebates.

Commissioner Hird said dwelling units are counted by the number of kitchens, so this could save 32 kitchens per acre. He wondered why and how dwelling units were counted by the kitchen.

Mr. McCullough said its more than just a kitchen or bedroom, it's a living unit which has those elements in it. He said it was possible to have one dwelling unit with two kitchens.

Commissioner Harris asked for clarification on the goal of what they were trying to do. She said one goal was to target higher density to locations where it serves the community and where infrastructure can support it and another goal was to provide incentives for energy efficiency in buildings. She wondered who benefited from the energy efficiency and why provide incentives for that.

Mr. McCullough said that was the overriding public and national goal, to become energy efficient and that would be done incrementally through each building that would be approved. It could benefit both the public and the individual property owner/tenant.

Commissioner Harris said it would make sense to provide incentives if it in fact costs the builder more to provide that service to the community.

Commissioner Finkeldei said Mr. Paul Werner put together some of his own bonuses and one that struck him as interesting was the renovation of contributing structure or redevelopment of inappropriate structures in the Oread neighborhood.

Ms. Leininger said staff has not had the text for very long but that their initial thought was who says if they are appropriate or inappropriate. She said there was a process to identify what was appropriate and what was inappropriate.

Commissioner Finkeldei said the Lawrence Preservation Alliance made a good point by saying that if it doesn't support the Oread Neighborhood Plan then it should not get a density bonus.

APPLICANT PRESENTATION

Mr. Paul Werner, Paul Werner Architects, apologized to staff for not getting information to them earlier. He said the premise was about properties around KU that should be ripe for redevelopment in the upcoming years. He suggested possibly coming up with language to look at equivalent bedrooms or some sort of density bonus.

Commissioner Harris was concerned about density bonuses applying to the entire district.

Mr. Werner said a percentage of the Oread falls under the Historic Resources Commission. He said there could be discussions about what the appropriate structures are. He suggested maybe having something tied to the existing building that could get the bonus.

PUBLIC HEARING

Mr. Dennis Brown, President of Lawrence Preservation Alliance, said it was easy to understand the concept of adding kitchens as they move from 4 bedroom units to 1-2 bedroom units. He wondered if it would just be a reshuffle of the same number of occupants. He struggled with understanding if the proposal would add occupants and allow more occupants within the same footprint. He suggested additional considerations; the new Oread Plan does allow for the creation of urban conservation overlay districts that are named low, medium, and high density districts, as well as the two historic districts. If they increase density in the RM32 why not restrict the amendment to areas they all agree are high density. He said RM32 was found in other areas outside of the Oread Neighborhood as well. He expressed concern about incentivizing tearing down older single family homes.

Ms. Marci Francisco, 1101 Ohio, said the proposal encourages redevelopment and not necessarily targeted to those areas with inappropriate structures. She did not want to give bonuses to replace an inappropriate structure if it was not replaced with a more appropriate structure. She said there was still confusion about bonuses for distances from a school or university. She did not want to see bonuses given in the RM32 areas that are not next to a university. She felt it was important to protect some of the areas in the Oread Neighborhood that were identified as moderate density. She said there has to be some limit to redevelopment through overlay districts or looking at a much smaller area.

Mr. Stan Hernly said Mr. Werner addressed some of the issues he expressed in his letter. He was concerned about the number of occupants per apartment unit. He felt they should adopt a method to reduce the number of people allowed based on the number of bedrooms. He said it was a good idea but really hard to police. He said it was important for the community to know that zoning regulations were in place that provide a known entity of what's possible. He did not want to have something changed that would leave the door wide open because architects were creative and could create more possible density. He felt parking should increase to 1.5 parking spaces for one bedroom units. He felt that bonuses shouldn't be available for historic properties that are eligible for listing on the state or national register.

COMMISSION DISCUSSION

Mr. McCullough said staff needed time to digest the new information provided by Mr. Werner this evening.

Commissioner Singleton said this was an exciting amendment. She felt there would be a shift in the way housing was looked at in the next 20 years because nobody can afford a single family house anymore. She said they have the opportunity to address that with some of the language. She said Lawrence has an interesting housing situation because of all the college students and that there are apartment buildings all over town but that as students become more green they will prefer to be more focused around the university. She felt they needed to figure out a way to get more density to the neighborhoods around the campus but make it look good with the policy. She also felt that they needed to address low income housing, allow for density, encourage green building, and encourage public policy about the appearance and amenities available. She also felt they needed to figure out a way as a community to address enforcement issues of the housing policies.

Commissioner Harris said there were some things she liked and other things that concerned her. She did not think having density bonuses throughout the area for RM32 was a good idea. She did favor another high density zoning district and thought they should decide where they would want those higher densities to be. She liked the idea of looking at a different way to calculate density. She also liked the idea of having higher densities in a district in the Oread Neighborhood through an Overlay district. She agreed with comments about understanding the parameters of increased density. She was interested in Mr. Hernly's comments about having 1.5 parking spaces for one bedroom units. She stated she was also interested in hearing how parking has worked in apartment complexes that were already built at a higher density with that standard and if there was sufficient parking for the tenants living there.

Commissioner Liese said inquired about college communities to use as an example.

Mr. McCullough said staff did a lot of research of different programs from different cities. He said how Lawrence does it was pretty typical.

Commissioner Finkeldei suggested a two step process of a simpler way to look at density definitions and identifying properties that should be redeveloped and allow bonuses.

Mr. McCullough said that was an issue identified in the Oread Plan and the Overlay district would help get to that in that area.

NO ACTION TAKEN

From: [Scott McCullough](#)
To: [Michelle Leininger](#)
Cc: [Denny Ewert](#); [Sheila Stogsdill](#)
Subject: FW: Items 9 and 10 on the Planning Commission Agenda
Date: Friday, August 13, 2010 4:07:21 PM

Please post the emails below as discussion for PC and report it in the reports.

Scott McCullough, *Director* - smccullough@ci.lawrence.ks.us
Planning and Development Services | www.lawrenceks.org
City Hall, 6 E. 6th Street
P.O. Box 708, Lawrence, KS 66044-0708
office (785) 832-3154 | fax (785) 832-3160

From: McClure, Kirk [<mailto:mcclure@ku.edu>]
Sent: Friday, August 13, 2010 2:58 PM
To: Scott McCullough
Subject: RE: Items 9 and 10 on the Planning Commission Agenda

Scott –

Thanks for the note and the clarification.

As I understand it, there are two issues.

First, should the Hawk and the Wheel become conforming uses? My guess is that these two bars are such institutions in the neighborhood, that there will be little problem with that, but I will talk to some of the Oread homeowners to get their feelings.

Second, should other buildings in close proximity be permitted uses other than residential? My guess is that this will all depend upon the uses themselves. If it is a return to the type of commercial shops that existed in this neighborhood in the 1950s and 1960 (e.g.: café, barbershop, clothing, small grocery, etc.) there would be little objection. If the mixed use designation simply becomes a mechanism to develop additional sources of nuisance (e.g.: more bars, live music venues, etc.), then I am sure that the homeowners of the Oread Neighborhood will, with good reason, object.

I am happy for this discussion to be entered into the public comments, but I expect a more detail set of comments to follow.

All the best,

Kirk

Kirk McClure
Professor
Department of Urban Planning
University of Kansas
1465 Jayhawk Blvd., 317 Marvin Hall
Lawrence, Kansas 66045-7614
Voice telephone: (785) 864-3888
Electronic mail: mcclure@ku.edu

From: Scott McCullough [mailto:smccullough@ci.lawrence.ks.us]
Sent: Friday, August 13, 2010 2:10 PM
To: McClure, Kirk
Subject: RE: Items 9 and 10 on the Planning Commission Agenda

Re: Item 9: There are no development plans conceived currently. The request stems from discussions about the MU district being able to "legalize" The Hawk and The Wheel. The other properties are requested, as I understand it, in order to set them up for future redevelopment that would be in compliance with the draft Oread Neighborhood Plan. Throughout the planning process for the Oread plan, there has been unanimity on this area as appropriate for mixed use development or redevelopment. It would bring back some commercial elements to the area.

Please let me know if you wish this discussion to be included as public comment and I will post to the PC packet.

Scott McCullough, *Director* - smccullough@ci.lawrence.ks.us
Planning and Development Services | www.lawrenceks.org
City Hall, 6 E. 6th Street
P.O. Box 708, Lawrence, KS 66044-0708
office (785) 832-3154 | fax (785) 832-3160

From: McClure, Kirk [mailto:mcclure@ku.edu]
Sent: Friday, August 13, 2010 8:54 AM
To: Scott McCullough
Subject: RE: Items 9 and 10 on the Planning Commission Agenda

Scott –

Thanks for the note.

Re: Item 10: Unlimited density in the RM32 district if all other code standards.

I think this is an idea that may work. The trend seems to be running toward smaller units, i.e.: one-bedroom and studio units. The homeowners in the Oread are concerned about parking (too many cars trying to squeeze into the neighborhood) and behavior (noise, trash, crime, etc.)

Re: Item 9: Mixed Use

Suspicion is running high on this. The notion of mixed-use is of a walkable neighborhood that combines residential, commercial and office space. With the problems of boarding houses turning into party houses and new urbanism turning into drive-through strip mall stores, these developers do not have much credibility. What kind of redevelopment is planned? As you can imagine, it is hard for the public to comment on this item until they know what is planned?

All the best,

Kirk

Kirk McClure

Professor

Department of Urban Planning
University of Kansas
1465 Jayhawk Blvd., 317 Marvin Hall
Lawrence, Kansas 66045-7614
Voice telephone: (785) 864-3888
Electronic mail: mcclure@ku.edu

From: Scott McCullough [mailto:smccullough@ci.lawrence.ks.us]
Sent: Wednesday, August 11, 2010 8:41 PM
To: McClure, Kirk
Cc: Michelle Leininger
Subject: RE: Items 9 and 10 on the Planning Commission Agenda

Professor,

The partial packet posted earlier was done so because some of the items were deferred from July and we had reports complete. We also wanted the PC and public additional time to begin reviewing what is a large PC packet. The other reports, noted below, will be posted early to mid next week, which is our typical practice and so the public will have the normal period of time to review the materials.

To address your specific questions, prior to the reports being posted, I can offer the following:

Item 9 - This is a request for MU zoning by several different owners within one defined area. It includes The Hawk and The Wheel which, if approved, would maintain their bar use as a grandfathered SUP. It also includes the south frontage of 14th Street between Ohio and Tennessee (existing apts). While the entire requested district could be redeveloped, there are no immediate plans to do so and no site plans submitted to redevelop any of the properties. The MU district requires mixing commercial and residential uses. Bars are allowed via SUP.

Item 10 - This is a request to permit unlimited density in the RM32 district if all other code standards (height, parking, setback, lot coverage, open space, etc) are met. The concept being that if the standards are met and parking is provided, then the land use impact of increased density, which is based on calculating dwelling units and bedrooms, may be minimal. Paul Werner is attempting to demonstrate that a density of 32, 4-bedroom units is equivalent to a density of, say, 62, 2 bedroom units. He argues that a bedroom equivalent should be considered if all other standards are held equal. Staff will be outlining the concepts and options for the PC and we will not be seeking action most likely on this item. There will be implications in the Oread and other areas where RM32 exists.

I hope this begins to answer your questions. The full packets should be available next Tuesday or Wednesday.

Scott

From: McClure, Kirk [mcclure@ku.edu]
Sent: Wednesday, August 11, 2010 4:09 PM
To: Scott McCullough
Subject: Items 9 and 10 on the Planning Commission Agenda

Scott –

I have some questions on items 9 and 10 on the upcoming Planning Commission agenda. The items are listed in detail below.

Unfortunately, the packet does not have any backup material in it yet. It is very hard for the public to have meaningful input at the public hearing with no information.

While we all support the concept of mixed-use, we are concerned with its abuse. We have learned the hard way that “Boarding Houses” and “Adaptive Resuse’ can simply become a source of nuisance.

What are the uses intended for the properties listed in item 9?

Will these include any bars, taverns, or even food service that includes alcohol?

What are the implications of the increased density proposed in item 10?

When will the public be able to see more on Paul Werner’s submission and on the proposed text amendment?

Thanks.

All the best,

Kirk

ITEM NO. 9A RM32 TO MU; .13 ACRES; 502 W 14TH ST (MJL)

Z-11-21-09: Consider a request to rezone approximately .13 acres from RM32 (Multi-Dwelling Residential) to MU (Mixed Use), located at 502 West 14th Street. Submitted by Paul Werner Architects, for Oread Villas, LLC, property owner of record.

ITEM NO. 9B RM32 TO MU; .05 ACRES; 414 W 14TH ST (MJL)

Z-11-22-09: Consider a request to rezone approximately .05 acres from RM32 (Multi-Dwelling Residential) to MU (Mixed Use), located at 414 West 14th Street. Submitted by Paul Werner Architects, for D & D Rentals of Lawrence, LLC, property owner of record.

ITEM NO. 9C RM32 TO MU; .09 ACRES; 1346 OHIO ST (MJL)

Z-11-23-09: Consider a request to rezone approximately .09 acres from RM32 (Multi-Dwelling

Residential) to MU (Mixed Use), located at 1346 Ohio Street. Submitted by Paul Werner Architects,

for D & D Rentals of Lawrence, LLC, property owner of record.

ITEM NO. 9D RM32 TO MU; .13 ACRES; 1340-1342 OHIO ST (MJL)

Z-11-24-09: Consider a request to rezone approximately .13 acres from RM32 (Multi-Dwelling

Residential) to MU (Mixed Use), located at 1340-1342 Ohio Street. Submitted by Paul Werner

Architects, for HDD of Lawrence, LLC, property owner of record.

ITEM NO. 9E RM32 TO MU; .23 ACRES; 1403 TENNESSEE ST (MJL)

Z-11-25-09: Consider a request to rezone approximately .23 acres from RM32 (Multi-Dwelling

Residential) to MU (Mixed Use), located at 1403 Tennessee Street. Submitted by Paul Werner

Architects, for DJC Holdings, LLC, property owner of record.

ITEM NO. 9F RM32 TO MU; .14 ACRES; 1400 OHIO ST (MJL)

Z-11-26-09: Consider a request to rezone approximately .14 acres from RM32 (Multi-Dwelling

Residential) to MU (Mixed Use), located at 1400 Ohio Street. Submitted by Paul Werner Architects,

for Wakarusa Partners, property owner of record.

ITEM NO. 9G RM32 TO MU; .13 ACRES; 507 W 14TH ST (MJL)

Z-11-27-09: Consider a request to rezone approximately .13 acres from RM32 (Multi-Dwelling

Residential) to MU (Mixed Use), located at 507 West 14th Street. Submitted by Paul Werner

Architects, for John C. Wooden, property owner of record.

ITEM NO. 9H RM32 TO MU; .29 ACRES; 413 W 14TH ST (MJL)

Z-11-28-09: Consider a request to rezone approximately .29 acres from RM32 (Multi-Dwelling

Residential) to MU (Mixed Use), located at 413 West 14th Street. Submitted by Paul Werner

Architects, for Douglas J. Compton, property owner of record.

ITEM NO. 10 TEXT AMENDMENT TO CITY OF LAWRENCE DEVELOPMENT; CHP 20 ARTICLE 6; RM32 DISTRICT (MJL)

TA-6-8-10: Consider Text Amendments to the City of Lawrence Land Development Code, Chapter

20, Article 6, Section 20-601 to increase the maximum dwelling units per acre limit in the RM32

(Multi-Dwelling Residential) District. Initiated by City Commission on 7/13/10.

Kirk McClure

Professor

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University of Kansas

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Lawrence, Kansas 66045-7614

Voice telephone: (785) 864-3888

Electronic mail: mcclure@ku.edu

22 August 2010

Mr. Charles Blaser, Chairman, and Members
Lawrence-Douglas County Planning Commission
City Hall
Lawrence, Kansas 66044

RE: ITEM NO. 10 TEXT AMENDMENT; CHP 20 ARTICLE 6; RM32 DISTRICT

Dear Chairman Blaser and Planning Commissioners:

We are writing to express our concerns regarding the proposal to lift the density cap for the RM32 district.

We have ownership interest in four properties in Oread zoned RM32: a single family house that had been converted to a duplex, a house divided into six apartments we converted back to single family, a boarding house we renovated with a partnership into four apartments, and the beautifully restored single-family house where we now live. We were well aware of the opportunities and the limits of the current zoning and development regulations, but also of the plan for the neighborhood that encourages the maintenance of the existing housing stock, as we made these investments.

The draft of the neighborhood plan suggests that there may be some areas in the neighborhood that would be appropriate for more dense development, but those certainly did not include the entire area currently zoned RM32. There is very limited opportunity for infill development in the neighborhood; this change would increase the pressures for redevelopment not only of existing apartment structures but also for replacement of historic houses.

Another significant concern arises from the fact that, even after repeated requests to consider more appropriate standards for development within the original townsite of Lawrence so that the regulations would reflect the pattern of development including narrow lots, alleys, and setbacks, we continue to have most of the same standards for new development apply to this area. The standards were again considered with the recent zoning changes and it was decided to allow for overlay districts to address the issue. It would be most inappropriate to adopt this change in the Oread Neighborhood, relying only on meeting the development standards, before appropriate changes to these standards are made. Consideration should be also given to addressing issues of underground parking and greater traffic; another parking garage emptying out onto 11th Street would exacerbate the existing traffic problems.

We do believe that if there is a density bonus to create more sustainable development within the neighborhood that LEED or Energy Star certification standards should be required.

Thank you for your work for our community and your consideration of our comments.

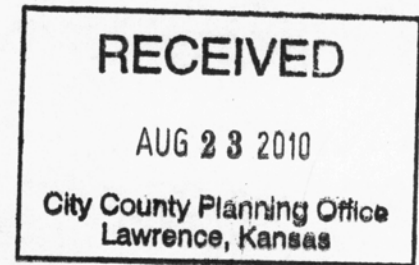
Joe Bickford and marci francisco

1101 Ohio
Lawrence, Kansas 66044

League of Women Voters of Lawrence-Douglas County
P.O. Box 1072, Lawrence, Kansas 66044

August 22, 2010

Mr. Charles Blaser, Chairman
Members
Lawrence-Douglas County Planning Commission
City Hall
Lawrence, Kansas 66044



RE: ITEM NO.10 TEXT AMENDMENT; CHP 20 ARTICLE 6; RM32 DISTRICT

Dear Chairman Blaser and Planning Commissioners:


We are pleased to see the staff recommendation that additional consideration be given to the proposal to lift the density cap for the RM32 District (the current maximum).

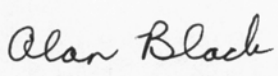
Although we recognize the interest in allowing for infill development or redevelopment of older apartment structures in the Oread Neighborhood, we also recognize that this change would create additional pressures for the redevelopment throughout the areas now zoned RM32. We see no justification for increasing the density throughout a neighborhood where much of the existing housing stock is currently single-family. This would defeat the purpose of encouraging preservation of the historical structures, the small-lot scale, and variety in housing types and residents called for in the neighborhood plan.

We believe there should be some density cap for all zoning districts; there is some limit to the capacity of the infrastructure in an area to support development and there should be some indication to adjacent properties of the potential for future development. Rather than lift the density cap, the adoption of overlay districts to identify specific areas of RM32 zoning that could be appropriately developed to a higher density should be considered as one of the options.

We look forward to further discussion of this issue.

Sincerely yours,


Milton Scott
Vice President


Alan Black, Chairman
Land Use Committee

Lawrence Preservation Alliance

P.O. BOX 1073 • LAWRENCE, KANSAS 66044

DIRECTORS

ANDRÉ BOLLAERT

DENNIS BROWN
PRESIDENT

9-19-10

BRENNA BUCHANAN

TA-6-8-10

VIRGIL DEAN

increase maximum dwelling units per acre limit in RM32?
Planning Commissioners:

KATE DINNEEN

I would like to make two points regarding this text amendment. First, a request for clarification regarding whether this amendment would merely add kitchens in the shuffling from 4-bedroom units to one or two-bedroom units, or could the actual number of people within the same building footprint increase?

ERNIE ECK
CO-TREASURER

MIKE GOANS

Are the phrases in the staff report, "unrestricted density cap" and "unlimited density" merely an unfortunate choice of words?

PAT KEHDE
SECRETARY

DALE NIMZ

Second, LPA would agree with the comment made by the LAN representative at the August PC meeting: what are the unintended consequences of this amendment? Reasonable people can understand a developer's need to market one or two bedroom units in today's market. But what if the text amendment also made it more lucrative for a property investor to take out a row of older homes to put up high-density rentals? "Preserving existing housing stock" is a listed goal in the new Oread Neighborhood Plan.

WESTON NORWOOD

NICOLE SABATINI
VICE-PRESIDENT

MICHAEL SHAW

DALE SLUSSER
CO-TREASURER

MARY LYNN STUART

Staff needs to clarify if this amendment will add people as well as kitchens to the same building footprint, and staff needs to study the possible ramifications to development patterns within the Oread neighborhood before further action is taken on this text amendment.

REV. VERDELL TAYLOR JR.

CAROL VON TERSCH

DENNIS DOMER
EMERITUS

MARCI FRANCISCO
EMERITUS

Dennis J Brown

Dennis J Brown

president

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SEP 20 2010

City County Planning Office
Lawrence, Kansas



Lawrence
Preservation
Alliance

October 7, 2010

Planning Commissioners
City of Lawrence, Kansas

Re: Proposed Text Amendment TA6-8-10.

As an architect practicing in Lawrence, I'm writing to provide additional information regarding the proposed text amendment to remove the unit density cap in the RM-32 zoning district. This proposed amendment is presented as a simple measure to allow for the development of more 1-bedroom and studio apartment housing options, especially around the University of Kansas campus. The density increases possible with the proposed amendment need to be fully understood before any action is taken to change the development code.

Under the current regulations, 32 apartment units per acre of property are permitted in the RM-32 zoning district. Taken in conjunction with the regulation which limits the number of unrelated persons living in an apartment unit to 4, **the maximum number of people per acre in the RM-32 district is 128**. This is the only real limitation on density in this, or any, multi-dwelling zoning district. All other zoning regulations (including setbacks, height limitations, and parking requirements) modulate density, but do not control density.

Currently there is no differentiation in the code between apartment types. A studio apartment unit counts the same as a 4-bedroom apartment unit. From a development standpoint, this tends to push toward apartment complexes with more bedrooms-per-unit in order to maximize the financial return on investment. From a market standpoint, apartments with fewer bedrooms-per-unit are becoming more desirable. Therefore the proposed text amendment comes before you for consideration.

The proposed text amendment requests the removal of the 32 units per acre density cap, if all other zoning regulations are met. This is presented as a means to construct new apartment developments which include more 1-bedroom and studio apartments as part of the overall mix of units. In essence, the theory is there is little difference between an apartment complex with ten 4-bedroom units and an apartment complex with 40 1-bedroom units; they both have 40 bedrooms and are both required to have 40 parking spaces. If either development can be designed to fit within the allowable building area on the site, there's little difference between allowing either to be built. Let me tell you, this is a wolf in sheep's clothing.

To demonstrate the potential impact of the proposed change, let's look at some simple numeric possibilities for an original townsite lot measuring 50' x 117'. This lot contains 5,850 s.f., which is equivalent to .1343 acres. At 32 units per acre, four units are allowed on this lot, and at a maximum of 4 unrelated people per unit, there could be **16 people** living on the lot; this is the only absolute control on density under the current development code. With the proposed text amendment the only definitive control on the maximum number of people that could live on the lot is still controlled only by the four unrelated people allowed per unit, and the **total** number

of people living on the lot could skyrocket. For example, on a flat lot with alley access at the rear and street access at the front, it is theoretically possible to provide 16 parking spaces at ground level and to construct 16 1-bedroom apartment units on floor levels over the parking. Working within building setbacks and height limitations each of these apartment units could average 720 s.f. in size. From a design standpoint, this would accommodate a large 1-bedroom apartment that, if so inclined, could be rented legally to four unrelated people, thereby creating a density of **64 people** living on the lot, four times more than the current amount possible and four times the parking spaces provided.

While this example is extreme, two axioms should be understood; architects are creative people and developers want to optimize financial return on every development. Without some definitive control on density, you will be startled by the scale of projects created under the proposed text amendment.

If the desire of the Planning Commission is to modify the zoning code to allow developments with more and smaller apartment units, similar in density to what can be achieved under the RM-32 zoning regulations, then some means needs to be put in place to absolutely control the maximum density for those developments. One way to do this would be to set the density limit as **people-per-acre** rather than **units-per-acre** and to implement regulations reducing the allowable number of unrelated people living in smaller apartment units. This however is fraught with difficulties of enforcement and definitions, and perhaps not the best approach.

If the desire of the Planning Commission is to allow greater density in selected areas of town, then this would more easily be achieved and regulated with a higher density zoning category, rather than modification of the RM-32 district. This would keep the implementation of all developments in standard zoning districts under the same umbrella of maximum density review, defined as units-per-acre.

If the desire of the Planning Commission is to allow developments with more and smaller apartment units in the older part of town, maintaining the same density impact as developments with fewer and larger units, then perhaps the best approach would be to create a new Mini Planned Development code. The smallest property size for using the current Planned Development code is five acres, and a new Mini Planned Development code could be created for properties less than 5 acres in size. This could provide for a more detailed review of a proposed development that incorporates floor plans and building elevations as part of the site development approval. This process could more easily maintain a balance between development density and parking, which is what the proposed text amendment has potential of throwing out of alignment.

As a long time resident of Lawrence, former homeowner in the Oread Neighborhood, and practicing architect with a strong historic preservation focus, I have a keen awareness of the potential impact of the proposed text amendment on areas around the KU campus. I support development and redevelopment within the older areas of town, but not at the expense of losing significant historic properties which help define the character of our community or at the expense of creating developments which do not provide adequate on-site parking. Please be sure to thoroughly explore the potential impact of any changes to the development code before implementing those changes.

Sincerely,

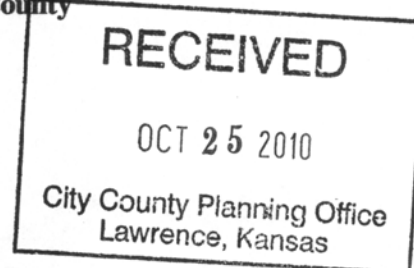
A handwritten signature in dark ink, appearing to read "Stan Hernly", with a stylized, sweeping underline.

Stan Hernly

League of Women Voters of Lawrence-Douglas County
P.O. Box 1072, Lawrence, Kansas 66044

October 25, 2010

Mr. Charles Blaser, Chairman
Members, Lawrence-Douglas County Planning Commission
City Hall, Lawrence, Kansas 66044



RE: ITEM NO. 7, TEXT AMENDMENT TO CITY OF LAWRENCE DEVELOPMENT CODE; RM32 DISTRICT

Dear Chairman Blaser and Planning Commissioners:

We are pleased with the staff recommendation for more consideration of the proposal to lift the density cap for the RM32 District. We have some comments to add to those we made in our August letter.

The stated reason for the request was "Current RM zoning has no incentives to help the community achieve one of the goals of the Lawrence/Douglas County Comprehensive Land Use Plan; to encourage redevelopment and development of infill property." Although the community wants to encourage development of infill property, the League does not believe that the intent of our Comprehensive Land Use Plan is to encourage the redevelopment of ALL currently developed RM zoning throughout the city beyond the current limitations. For the most part, zoning should provide stability, not instability, for neighborhoods.

There are certainly arguments that in some areas it may be reasonable to increase density, but again, we believe those areas should be selected carefully until we know some of the impacts of this change. We support the staff proposal to identify some density cap for this district; there are limits to the capacity of the infrastructure to support development in an area. We were pleased to see the wording allowing for a maximum of 54 (additional 22 Dwelling Units per acre) and then we were subsequently confused by the example under "Redemption of Bonuses" that allowed for density to be up to 128 units/acre. The initial proposal stated that all other standards for development should be met, and now we see a discussion of increasing the height and reducing the front yard.

There should be more clarity regarding allowable bonuses; we believe that the staff is asking for direction on this. Perhaps the percentage of the bonus should be higher if more studio or one-bedroom apartments are being developed than if there are more two-bedroom apartments. We agree with the intended purpose of allowing bonuses to redevelop "inappropriate" structures currently in the Oread Neighborhood, but would like assurance that the new structures would be considered to be appropriate. There should also be some equity in the number of additional units that can be developed with similar investments on the part of the developer. It will be much more expensive to develop an underground parking space than it will be to provide on-site recycling bins.

The staff has acknowledged that this change could create additional pressures for the redevelopment throughout areas now zoned RM32. We believe that bonus points should only be available for development that is consistent with the goals of the neighborhood plan. Areas in Oread that are recommended for lower density development should not be considered for these bonuses.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Brooke Goc".

Brooke Goc
President

A handwritten signature in cursive script, appearing to read "Alan Black".

Alan Black, Chairman
Land Use Committee

From: [Scott McCullough](#)
To: [Michelle Leininger](#); [Sheila Stogsdill](#)
Subject: FW: Text Amendment to RM#@
Date: Monday, November 01, 2010 4:51:14 PM

Scott McCullough, *Director* - smccullough@ci.lawrence.ks.us
Planning and Development Services | www.lawrenceks.org
City Hall, 6 E. 6th Street
P.O. Box 708, Lawrence, KS 66044-0708
office (785) 832-3154 | fax (785) 832-3160

From: McClure, Kirk [mailto:mcclure@ku.edu]
Sent: Monday, November 01, 2010 4:45 PM
To: Scott McCullough
Subject: RE: Text Amendment to RM#@

Scott –

Thanks. I agree that there are multiple issues at play.

Will the staff produce any analysis that the public can read? Absent a written analysis, the public is simply speculating on the impact of this amendment. I suspect that many of the fears are unfounded, but it is hard to know. It would help if we could see a balanced listing of pros and cons for each option and some sense of the expected outcomes.

As I mentioned, I am afraid of the “law of unintended consequences.”

If developers simply produce a building that would have contained 8 bedrooms in a four-unit complex and, instead, produce an eight-unit building with 8 bedrooms, I doubt that people will object. If however, this becomes a mechanism with incentives to demolish older homes that could be preserved under alternative regulatory schemes, then many people, including myself, will object.

I would prefer to see the staff exploring mechanisms that affirmatively preserve and protect the Oread neighborhood. Rather, we seem to be constantly placed in a defensive posture, fighting against each iteration of developer-driven ideas that harm rather than enhance the neighborhood.

All the best,

Kirk

Kirk McClure
Professor
Department of Urban Planning
University of Kansas
1465 Jayhawk Blvd., 317 Marvin Hall
Lawrence, Kansas 66045-7614
Voice telephone: (785) 864-3888
Electronic mail: mcclure@ku.edu

From: Scott McCullough [mailto:smccullough@ci.lawrence.ks.us]
Sent: Monday, November 01, 2010 2:44 PM
To: McClure, Kirk
Cc: Michelle Leininger; Sheila Stogsdill; Lynne Zollner
Subject: RE: Text Amendment to RM#@

Kirk,

The PC discussed the concerns you mention below at their meeting last week. Most recognize that lots can be consolidated under the current zoning standards, but also agree that raising the density may encourage lot consolidation for redevelopment. I think there are multiple issues at play here –whether to redefine density in a way that permits studio and one-bedroom apartments to count in a more equitable way compared to four-bedroom apartments, whether to increase the RM32 density at all, whether increased density should be incentivized in order to achieve other public goals, and how to accomplish/resolve the issues so that unintended consequences are minimized.

Staff will be reviewing the PC discussion in order to make a recommendation at a future date on these issues. Recent discussions with the PC has yielded the following options: redefine density to account for low bedroom count units, explore overlay districts if it is believed that the density could/should be increased in only certain areas, create a higher density zoning district that an owner could apply to rezone to and then analyze each rezoning request on its merits, keep exploring incentives.

Please let me know of any questions. Thanks.

Scott McCullough, *Director* - smccullough@ci.lawrence.ks.us
Planning and Development Services | www.lawrenceks.org
City Hall, 6 E. 6th Street
P.O. Box 708, Lawrence, KS 66044-0708
office (785) 832-3154 | fax (785) 832-3160

From: McClure, Kirk [mailto:mcclure@ku.edu]
Sent: Tuesday, October 26, 2010 5:16 PM
To: Scott McCullough
Subject: Text Amendment to RM#@

Scott –

I continue to have some concerns over the unintended consequences of increasing the maximum dwelling unit limits in the RM32 districts.

Could this revisions cause owners of older properties to seek demolition of good quality older properties so as to redevelop the parcels? (We suffered from a good deal of this in the 1970s.)

The staff report mentions the problem of lot consolidation. It is not clear to me how a limit of 54 units to the acre stops this. If we want to stop consolidation, the limit should be on the maximum parcel size.

Density bonuses rarely serve the public interest. Why should the community reward a developer with a bonus for meeting normal planning requirements?

By the way, congratulations on the APA "10 Best Streets" award. It is a recognition of an asset that we need to protect and preserve.

All the best,

Kirk

Kirk McClure
Professor
Department of Urban Planning
University of Kansas
1465 Jayhawk Blvd., 317 Marvin Hall
Lawrence, Kansas 66045-7614
Voice telephone: (785) 864-3888
Electronic mail: mcclure@ku.edu

Lawrence Preservation Alliance

P.O. BOX 1073 • LAWRENCE, KANSAS 66044

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PRESIDENT

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VIRGIL DEAN

KATE DINNEEN

ERNIE ECK
CO-TREASURER

MIKE GOANS

PAT KEHDE
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MICHAEL SHAW

DALE SLUSSER
CO-TREASURER

MARY LYNN STUART

REV. VERDELL TAYLOR JR.

CAROL VON TERSCH

DENNIS DOMER
EMERITUS

MARCI FRANCISCO
EMERITUS



Lawrence
Preservation
Alliance

11-28-10

TA 6-8-10

Planning Commissioners:
Scott McCullough:

It seems clear to assume after the October public hearing that this proposed text amendment would in fact increase the number of people allowed living within an identical footprint, although at to what extent it should be capped seems unclear. Certainly you should establish a cap or maximum density that would be sensitive to neighbors in Oread, whether they be homeowners or renters themselves.

The Lawrence Association of Neighborhoods (LAN), and LPA have also voiced a concern regarding unintended consequences the amendment might have, specifically, providing incentive in certain locations to demolish more of our dwindling supply of historic original housing. Both LAN and LPA asked staff to study this issue. Staff responded by including it as a listed concern for you to consider in its staff presentation to you at your October meeting.

Among the general goals of the newly adopted Oread Neighborhood Plan is the goal of "preserving existing housing stock". LPA can see the benefits of this text amendment encouraging redevelopment of existing older apartment complex units. Our concern in Oread is the long trend of letting those properties, as well as several inappropriate 1980's fourplexes, continue to exist and deteriorate while existing original housing continues to be targeted for apartment complex development.

We suggest that you first send this text amendment to the Historic Resources Commission to receive their comment.

Second, extrapolating on our previous testimony on this amendment to the planning commission, and a suggestion by commissioner Finkeldei at the October meeting, we would suggest the following language be added to the amendment:

"Any project that involves the demolition of listable (fifty years or older) structures shall not receive the increased density allowed by this amendment without approval of the Lawrence Historic Resources Commission at a regularly scheduled public hearing."

Sincerely,

Dennis J Brown
president

RECEIVED

NOV 29 2010

City County Planning Office
Lawrence, Kansas

League of Women Voters of Lawrence-Douglas County

P.O. Box 1072, Lawrence, Kansas 66044

December 12, 2010

RECEIVED

DEC 13 2010

City County Planning Office
Lawrence, Kansas

Mr. Charles Blaser, Chairman
Members
Lawrence-Douglas County Planning Commission
City Hall
Lawrence, Kansas 66044

RE: ITEM NO. 3: TEXT AMENDMENT TO CITY OF LAWRENCE DEVELOPMENT CODE; RM32 DISTRICT

Dear Chairman Blaser and Planning Commissioners:

We understand that the purpose of the proposal to change the Land Development Code's method of calculating density in the RM32 District is based on the need to better reflect market demand and provide incentives to renovate older existing apartment structures to more modern accommodations in the Oread Neighborhood. We also agree with the need to provide higher densities in areas close to the Campus. However, we hope that you also will closely examine the suggestion proposed by our planning staff to reduce the density equivalent by half of all apartment types except three and four bedroom apartments.

There are possible unintended outcomes of making the density modification to the code without adding further conditions at the same time. The Oread Neighborhood Plan encourages diversity in housing. It has many areas that have irreplaceable historic value and structures that need incentives to be preserved. We understand that the purpose of this proposed change is to encourage the renovation of older existing apartments rather than providing incentives to consolidate lots and tear down these historic houses. We have two suggestions to avoid the latter outcome:

- a. Rather than change the density calculation of the RM32 District as a whole, allow it as a Condition under the Land Development Code Article 5, Use Regulations, either for the district or for the building type.
 - i. Limit the proposed density change to existing multi-family structures.
 - ii. Also, limit the density change to a more proportionate reduction so that studio and one-bedroom apartments count as 0.5 dwelling units, and two bedroom apartments would count as 0.75 dwelling units.
- b. Allow the increased density in RM32 Districts in the Oread Neighborhood only in areas designated in the Oread Neighborhood Plan for higher density. The Plan has been approved, and does not depend on an Overlay District to be followed.

These provisions added as a general Condition to Article 5 could apply to all apartments in need of renovation or replacement, so that it could be a city-wide Condition, applying only to existing apartments and not to new RM32 Districts.

We hope that you will look on these suggestions favorably. Thank you.

Sincerely yours,

Milton Scott
Vice President

Alan Black
Alan Black, Chairman
Land Use Committee

Memorandum

City of Lawrence

Planning & Development Services

TO: Planning Commission

FROM: Scott McCullough, Director

Date: For December 13, 2010 Planning Commission Meeting

RE: Boarding House Text Amendment Update – TA-6-17-09

On August 24, October 26, and December 16, 2009 the Planning Commission considered language revising the Lawrence Development Code as it relates to Boarding Houses. The Planning Commission forwarded to the City Commission a recommendation to approve the December 16, 2009 version of the language. On February 2, 2010 the City Commission considered the PC's recommendation and voted 4-1 to return the text amendment to the Planning Commission for further study on the following matters.

1. Simplify the standard related to limiting building additions to 20% of the existing structure.
2. Review the parking standard and consider a standard that requires 1 space per bedroom with variances possible when larger structures are converted to boarding houses.
3. Discuss the processing issue of permitting boarding houses as a "permitted use" or a "special use."

On March 24, May 26, and August 25, 2010 the Planning Commission considered revised language attempting to address the City Commission's direction. After public testimony and discussion at the August 25 meeting, the PC closed the public comment and discussed the amendment. The PC deferred the item due to the late hour and directed staff to bring the item back in September so they could complete the discussion and direct staff afterward.

The PC considered a staff memo at the September 20, 2010 regular meeting and adopted a motion, by a vote of 7-2, to direct staff to draft language that generally implements the elements outlined in the September staff memo, including:

1. Language that revises the parking standards so that Multi-Dwelling Structures and Congregate Living structures have the same parking standard.
2. Language that allows relief for renovating (not building new) structures to the Congregate Living and Multi-Dwelling Structure uses when they are large structures (3,500 gross square feet) located on relatively small lots (8,775 square feet (equates to 1 and ½ typical lots in the Oread Neighborhood)). This upholds

- the desire to encourage renovation of large structures on small lots in established neighborhoods.
3. Reinserting the language that prohibits expanding an existing structure past 20% to discourage this practice, as it is a finding of the PC that such practice can be harmful to the character of established neighborhoods and is unnecessary.
 4. Language that exempts Congregate Living structures from Article 15, Nonconforming Structures section of the Development Code.

The draft language is attached.

Discussion

Parking: Staff proposes the size limitations of 8,775 sq ft for the lot and 3,500 gross square feet for the structure based on reviewing several approved site plans for the Boarding House use. Establishing a .5 space per bedroom standard for the renovation or conversion of both Congregate Living and Multi-Dwelling Structure uses on these smaller lots maintains equity between the two uses. The PC may want to discuss whether .5 spaces per bedroom is the appropriate standard in this case. The PC requested information on the size of the structures converted to Boarding Houses. Staff updated a list shared earlier in this process with applications approved in 2010. Nine structures, or 31%, are greater than 3,500 square feet according to the site plan record. The number of bedrooms in these structures ranges from 6 to 12.¹ Staff believes this structure size is appropriate for the new parking standard.

New Sections: Through reviewing several recent Boarding House applications, Staff has had the opportunity to review Section 20-912 of the Development Code related to accessible parking. By practice, accessible spaces have not been required for the Boarding House use. The code requires Multi-Dwelling Structures that contain 4 units or more to provide accessible spaces. The Development Code is less clear on whether Boarding Houses are required to provide such spaces. Staff has reviewed the matter against the Fair Housing Act and the city's adopted building codes and finds that the Boarding House use demands compliance with these regulations. Certain exemptions exist in the building code for providing accessibility. The proposed language clarifies that a Congregate Living use must comply with the Fair Housing Act and the adopted building codes of the city. Staff will work with applicants during the site planning process to determine when an accessible parking space and route to the structure are necessary, as this may impact the number of parking spaces on the site which will, in turn, affect the number of bedrooms of the structure.

City Commission direction: If the proposed language is accepted, the PC will have effectively addressed all of the City Commission's statements.

1. The language simplifies the 20% rule compared to the December 16, 2009 version.
2. The language creates a lesser parking standard for large structures on small lots.

¹ It should be noted that a Cooperative located at 1406 Tennessee is included in the calculations in this paragraph. This structure was renovated and totals 13,650 sq. ft. in size because it is essentially two structures combined into one. It has 33 bedrooms. It was determined to be a nonconforming use during its process of renovation.

3. The language permits the Congregate Living use by right and not through the SUP process.

Action Requested: Consider proposed language and recommend approval, if appropriate.

Proposed Language – December 13, 2010
(Revised from August 25, 2010 PC Version)

20-402 RESIDENTIAL DISTRICT USE TABLE

[illegible]

20-403 NONRESIDENTIAL DISTRICT USE TABLE

<div>Key:</div> <div>A = Accessory</div> <div>P = Permitted</div> <div>S = Special Use</div> <div>* = Standard Applies</div> <div>- = Use not allowed</div>	Base Zoning Districts														Use-Specific Standards (Sec. 20-)
	CN1	CN2	MU	CO	CD	CC	CR	CS	IBP	IL	IG	OS	GPI	H	
RESIDENTIAL USE GROUP															

20-546 CONGREGATE LIVING (NEW SECTION)

(1) Applicability

The use-specific standards of this section shall apply to any Congregate Living use or structure.

[illegible]

(2) Standards

- (i) A [Congregate Living](#) use shall be permitted only with site plan approval.
- (ii) Limitations on Expansion
 - a. At the time of its conversion to the [Congregate Living](#) use and for the life of a [Congregate Living](#) use upon its establishment, a [Structure](#) containing a [Congregate Living](#) use shall not be enlarged greater than 20% of its existing building footprint, measured at grade and including covered (roofed) decks, patios, and porches.
 - b. A site plan for a [Congregate Living](#) use is not eligible for approval if the building footprint, measured at grade and including covered (roofed) decks, patios, and porches, of an existing [Structure](#) proposed to contain the use has been expanded greater than 20% within three years of submitting the site plan application for the [Congregate Living](#) use.
 - c. This section does not apply to expansions in building footprint occurring prior to _____ (the effective date of this section).
- (iii) A trash receptacle area compliant with the Development Code, the City Code, and amendments thereto, and with policies established by the Solid Waste Division of the City shall be designated on the site plan and either used or reserved for use on the site to accommodate waste generated by the residents.

20-902 OFF-STREET PARKING SCHEDULE A

Unless otherwise expressly stated in this article, Off-street [Parking Spaces](#) shall be provided in accordance with the minimum ratios of the following, Schedule A.

Use Category	Minimum Number of Vehicle Parking Spaces Required	Minimum Number of Bicycle Parking Spaces
RESIDENTIAL <u>USE GROUPS</u>		
HOUSEHOLD LIVING		
Accessory Dwelling Unit	See 20-534 for standards	None
Attached Dwelling	2 per Dwelling Unit	
Cluster Dwelling		
Detached Dwelling		
Duplex	1 per bedroom	
Manufactured Home	2 per Dwelling Unit	
Manufactured Home, Residential-Design		
Mobile Home	2 per Dwelling Unit (1 may be located in common area)	
Mobile Home Park		
Multi-Dwelling Structure	1 per bedroom, + 1 per 10 units (visitors and guests) ¹	1 per 4 auto spaces
Non-Ground Floor Dwelling	1 per bedroom	None
Work/Live Unit	1 per Dwelling Unit	
Zero Lot Line Dwelling	2 per Dwelling Unit	
Home Occupation, Type A or B	See 20-537 for standards	

Use Category	Minimum Number of Vehicle Parking Spaces Required	Minimum Number of Bicycle Parking Spaces
GROUP LIVING		
Assisted Living	1 per independent living unit; 0.5 per Assisted Living unit	None
Boarding Houses and Cooperatives Congregate Living	1.5 per 2 lawful occupants 1 per bedroom¹	1 per 4 auto spaces
Dormitory and Scholarship Halls	1.5 per 2 .75 per lawful occupants	1 per 4 auto spaces
Fraternity and Sorority Houses	1.5 per 2 .75 per lawful occupants	1 per 4 auto spaces
Group Homes, General	1 + 1 per employee	None
Group Homes, Limited	2 per Dwelling Unit	

Footnotes: 1) Whenever a structure 3,500 gross square feet or larger as of (date of the ordinance) on a property 8,775 square feet in size or less is renovated as a Multi-Dwelling Structure or Congregate Living use, parking shall be provided at the overall rate of .5 spaces per one (1) bedroom.

20-912 ACCESSIBLE PARKING FOR PHYSICALLY DISABLED PERSONS

A portion of the total number of required off-street **Parking Spaces** in each off-street **Parking Area** shall be specifically designated, located and reserved for use by persons with physical disabilities.

(a) **Spaces Required**

The following table shows the minimum number of accessible spaces that shall be provided. **Parking Spaces** designed for persons with disabilities are counted toward fulfilling off-street parking standards. These standards may not be varied or waived.

Total Parking Spaces Provided	Required Number of Accessible Spaces		
	Auto	Van	Total
1 – 25	0	1	1
26 – 50	1	1	2
51 – 75	2	1	3
76 – 100	3	1	4
101 – 150	4	1	5
151 – 200	5	1	6
201 – 300	6	1	7
301 – 400	7	1	8
401 – 500	7	2	9
501 – 1,000	7 per 8 accessible spaces	1 per 8 accessible spaces	2% of total spaces
1,001+	7 per 8 accessible spaces	1 per 8 accessible spaces	20, plus 1 per 100 spaces over 1,000

(b) **Special Requirements for Medical Care Facilities**

Facilities providing medical care and other services for persons with mobility impairments shall provide accessible **Parking Spaces** as follows:

- (1) All outpatient facilities shall provide at least one accessible [Parking Space](#), or spaces equal to ten percent (10%) of the total number of [Parking Spaces](#) provided, whichever is greater.
- (2) Facilities that specialize in treatment or services for persons with mobility impairments shall provide at least one accessible [Parking Space](#), or spaces equal to 20% of the total number of [Parking Spaces](#) provided, whichever is greater.

(c) **Special Requirements for [Congregate Living](#) and Multiple-unit Residential**

New construction, additions to, or alterations of Congregate Living residences containing 4 or more sleeping units shall comply with the accessibility requirements of both the Fair Housing Act and the International Building Code as adopted by the City of Lawrence.

Multiple-unit residential [Buildings](#) containing 4 or more [Dwelling Units](#) shall provide accessible [Parking Spaces](#) as follows:

- (1) Designated accessible [Parking Spaces](#) shall be provided for at least two percent (2%) of the [Dwelling Units](#).
- (2) Designated accessible [Parking Spaces](#) shall be provided at facilities that serve accessible [Buildings](#), such as swimming pools and clubhouses.
- (3) Additional designated accessible [Parking](#) shall be provided at the request of residents with disabilities, on the same terms and with the full range of choices that are provided for other residents of the project.
- (4) Designated accessible [Parking Spaces](#) shall comply with the Americans with Disabilities Act Accessibility Guidelines (ADAAG).

(d) **Exemptions**

[Detached Dwellings](#), [Attached Dwellings](#) and [Duplexes](#) are exempt from the requirements to provide accessible [Parking Spaces](#). However, accessible [Parking](#) shall be provided at the request of residents with disabilities.

(e) **Minimum Dimensions**

All [Parking Spaces](#) reserved for persons with disabilities shall comply with the [Parking Space](#) dimension standards of this section, provided that [Access](#) aisles shall be provided immediately abutting such spaces, as follows:

(1) **Car-Accessible Spaces**

Car-accessible spaces shall have at least a 5-foot wide [Access](#) aisle abutting the designated [Parking Space](#).

(2) **Van-Accessible Spaces**

Van-accessible spaces shall have at least an 8-foot wide [Access](#) aisle abutting the passenger [Access](#) side of the designated [Parking Space](#).

(f) **Location of Spaces**

Required spaces for persons with disabilities shall be located in close proximity to [Building](#) entrances and be designed to permit occupants of vehicles to reach the [Building](#) entrance on an unobstructed path. Curb ramps shall be provided whenever an accessible route crosses a curb in the parking lot. Curb ramps may not be located within required [Access](#) aisle.

(g) **Signs and Marking**

Required spaces for persons with disabilities shall be identified with signs and pavement markings identifying them as reserved for persons with disabilities. Signs shall be posted directly in front of the [Parking Space](#) at heights that will be visible to the types of vehicles for which they are designed, specifically 60 to 82 inches. Signs shall comply with the Manual on Uniform Traffic Control Devices issued by the Federal Highway Administration.

20-1503 NONCONFORMING [STRUCTURES](#)

(e) **Loss of Nonconforming Status; Damage or Destruction**

- (1) Once a nonconforming [Structure](#) is abandoned, its nonconforming status is lost and the [Structure](#), or any replacement, shall comply with the regulations of the [Zoning District](#) in which it is located, even if the compliance means that the [Structure](#) shall not remain and no replacement [Structure](#) may be constructed. A nonconforming [Structure](#) will be considered abandoned when any of the following occurs:
 - (i) the intent of the [Owner](#) to discontinue all uses in the [Structure](#) is apparent;
 - (ii) no use has been maintained in the [Structure](#) for a period of 12 months or more and no concerted effort has been undertaken by the [Owner](#) to maintain the use;
 - (iii) a demolition permit has been applied for;
 - (iv) all equipment and furnishings have been removed from the [Premises](#) and have not been replaced by similar or other equipment and furnishings within 90 days, unless other facts show intention to resume use of the [Structure](#); or
 - (v) a [Building](#) Permit to reconstruct a damaged nonconforming [Structure](#) in accordance with Sec. (3) has not been secured within 12 months of the date of occurrence of the damage, or construction under that permit has not been diligently pursued.
- (2) When a nonconforming [Structure](#) (other than a [Detached Dwelling](#) located in an [RS Base District](#) or a [Congregate Living structure in an RM Base District which has an approved site plan on file with the city](#)) is damaged to the extent of more than 60% of its fair market value, the [Structure](#) may not be restored except in conformity with the regulations of the [Base District](#) and any applicable [Overlay District](#). When a [Detached Dwelling](#) located in an [RS Base District](#) or a [Congregate Living structure located in an RM Base District which has an approved site plan on file with the city](#) is damaged to any extent, it may be restored at its former location without first being required to obtain a variance, provided that, a [Building](#) Permit for the restoration is obtained within 12 months of the date of occurrence of the damage, in accordance with Section (3).
- (3) A [Building](#) Permit to reconstruct a damaged [Structure](#) pursuant to Section (2) shall be obtained within 12 months of the date of occurrence of the damage, and once issued, construction shall be diligently pursued.

20-1701 GENERAL TERMS

Boarding House	A Dwelling or part thereof where meals and/or lodging are provided for compensation for one (1) or more persons, not transient guests, and where there are not more than 12 sleeping rooms, nor sleeping space for more than 24 people.
Congregate Living	A Dwelling Unit that contains sleeping units where 5 or more unrelated residents share a kitchen and communal living areas and/or bathing rooms and where lodging is provided for compensation for persons who are not transient guests. Congregate Living is commonly referred to as a lodging house, boarding house, rooming house, or cooperative but is not considered a Dormitory, fraternity or sorority house, Assisted Living, Extended Care Facility, Group Home or similar group living use.
Family	(1) A person living alone; (2) two or more persons related by blood, marriage, or legal adoption; (3) in an RS Zoning District, a group of not more than three persons not related by blood or marriage, living together as a single Housekeeping Unit in a Dwelling Unit, as distinguished from a group occupying a Dormitory, Boarding House, Congregate Living, lodging house, motel, hotel, fraternity house or sorority house; or (4) in a Zoning District other than RS, a group of not more than four persons not related by blood or marriage, living together as a single Housekeeping Unit in a Dwelling Unit, as distinguished from a group occupying a Dormitory, Boarding House, Congregate Living, lodging house, motel, hotel, fraternity house or sorority house.

20-1731 GROUP LIVING

Residential occupancy of a Dwelling Unit by other than a "Household" and providing communal kitchen/dining facilities. Typical uses include occupancy of fraternity and sorority houses, Assisted Living, Boarding Houses and Cooperatives and Congregate Living.

SITE PLAN	ADDRESS	# BEDROOMS	# OCCUPANTS		APPROX. STRUCTURE SIZE (sq ft)	FORMER USE
SP-3-10-09	1037 Kentucky St	6	6		1,590	4 unit apt house
SP-4-13-09	1042 Tennessee St	5	5		2,529	4 unit apt building
SP-5-18-09	928 Ohio St	8	8		1,688	apt building
SP-12-98-87	839 Mississippi St	6	6		3,532	apt building
SP-3-15-98	1232 Ohio St	9	9		4,400	apt building
SP-7-50-99	1313 Vermont St	6	6		2,796	apt building
SP-6-40-00	1005 Kentucky St	6	6		2,960	single-family residence
SP-7-57-02	1121 Ohio St	11	12		4,857	9 unit apt house
SP-11-81-02	414 West 14th St	8	8		2,767	single-family residence
SP-9-58-03	1033 Kentucky St	10	10		2,592	2 unit apt, previously located at 1309 Ohio
SP-10-64-03	1109 Tennessee St	6	6		2,504	single-family residence
SP-11-69-03	1334 Ohio St	12	12		5,351	7 unit apt house
SP-6-34-04	1416 Tennessee St	10	10		4,525	8 unit apt house
SP-7-49-07	1339 Ohio St	12	12		4,306	14 unit apt house
SP-8-56-07	1341 Ohio St	8	8		3,136	4 unit apt house
SP-12-102-08	1609 West 4th St	5	5	Proposed	2,332	vacant property
SP-12-111-08	1005 Indiana St	8	8		2,541	apt building
SP-8-70-08	930 Ohio St	8	8		4,839	single-family residence
SP-05-43-06	1140 Mississippi St	7	7		2,500	8 unit apt house
SP-08-63-00	1300 Ohio St	7	7		2,116	single-family residence
SP-10-71-07	1211 Rhode Island St	10	10		2,201	5 bedroom rental house
B-4-5-10/ZC-3-13-10/SP-9-58-03	1033 Kentucky St	10	10		4,584	2 unit apt.
SP-7-29-09/DR/7-77-09	1212 Ohio	6	6		1,197	single-family residence
SP-11-51-09/DR-11-130-09	1223 Ohio	6	6		2,580	4 bedroom single-family residence
SP-12-56-09/DR-12-150-09	1205 Kentucky	7	7		1,381	3 unit apt.
NCR-5-5-10/ZC-3-12-10	1614 Kentucky	8	8		2,160	coop
SP-8-45-10	1213 Kentucky	6	6		1,850	1 bedroom house
NCR--3-1-10/ZC-3-11-10/SUP-09-08-09	1406 Tennessee	33	33		13,650	coop
SP-7-50-07	1020 Tennessee	8	8		1,329	apt building

ITEM NO. 1 TEXT AMENDMENT TO CITY OF LAWRENCE DEVELOPMENT; BOARDING HOUSE (SDM)

TA-6-17-09: Reconsider Text Amendments to various sections of the City of Lawrence Land Development Code to review standards related to "Boarding House." *This item was originally heard by Planning Commission on 12/16/09. City Commission returned this item on 2/2/10 for additional consideration. (PC Item 12; approved 6-3 on 5/26/10) Continued by Planning Commission on 8/25/10.*

STAFF PRESENTATION

Mr. Scott McCullough, Planning Director, presented the item.

Commissioner Dominguez inquired about an appeal process for parking request.

Mr. McCullough said at the end of this process there would be a set of standards and assuming it would be a permitted use in the zoning district they would submit a site plan and staff would process the site plan to make sure all the standards were met and then the applicant would seek building permits.

Commissioner Dominguez asked if someone could make a boarding house out of something that is not a boarding house.

Mr. McCullough said the permitted uses of the zoning district RM32 would allow multi-dwelling structures and non-conforming single detached dwelling structures. In the Oread neighborhood boarding houses and several other types of land uses would be allowed.

Commissioner Dominguez asked if the applicant could seek a variance through the Board of Zoning Appeals if the parking was limited to one to one.

Mr. McCullough said yes.

Commissioner Finkeldei inquired about the language *'The planning director could alter the parking requirement, for boarding houses or multi-dwelling structures, to assist in the preservation of the architectural nature of the structure and neighborhood.'*

He asked if he intended that to apply over a certain square footage or in any case.

Mr. McCullough said it meant over a certain square footage so code language would have to be built. The intent would be to build in administrative variance procedure for those that are over a certain threshold of size. He said an alternative way to do it was some sort of ratio that just very objectively shows the reduction of ratio past a certain square footage. He said there seemed to be support for coming up with some mechanism to grant some relief to certain size structures. He said it could also be certain size structures within historic districts or environs of listed properties if they want to go that far.

Commissioner Finkeldei asked if this was passed but the non-conforming change was not passed, could staff retroactively go back and approve those structures and make them conforming.

Mr. McCullough said typically it would take some sort of action by the applicant to get re-approval of the property.

Commissioner Harris asked staff to respond to the Lawrence Preservation Alliance diagram that showed how a small house could become a really big house under the code.

Mr. McCullough said the current code allows that.

Commissioner Harris inquired about previous discussion about the current code being sufficient to keep a building from becoming 20% bigger than its footprint. She asked if that was not always the case.

Mr. McCullough said hopefully he didn't portray that there are codes in place that keep it from becoming 20%. He said staff has tried to help people recognize that the current code allows certain development rights in the RM32 zoning district on a certain size lot. He said if the governing bodies think that is too much for the district or neighborhood than the standards need to be addressed. He said staff was trying to pull away from demonizing someone who was working within the current code.

Commissioner Singleton inquired about the procedure for deciding to move forward with the August language.

Mr. McCullough said they could make a motion like that using the previous language and it would be forwarded on. He said if the language starts getting into different code sections, like multi-dwelling parking, it would have to be re-advertised and brought back at a future date.

Commissioner Finkeldei did not think they would get uniformity on the discussion. He felt there was a place for boarding houses and a place to try and save large structures. He supported sending it back to create incentives to save large structures. He liked the language '*...to assist in the preservation of the architectural nature of the structure and neighborhood.*' He felt the people who have followed the rules and have a non-conforming use should be protected. He said the question becomes in this current version if 4,000 square feet is the definition of a large structure. He felt they needed to limit it to no more than 10% or 20% for the reasons the Lawrence Preservation Alliance pointed out. He said he might prefer 3,500 square feet and any structure larger than that could be granted a parking waiver to allow more parking spaces to save that structure without going to the Board of Zoning Appeals.

Commissioner Harris said she supported Commissioner Finkeldei's comments in general. She asked him about the scenario of an addition being added to a building that makes it large enough to be considered by the Planning Director for parking reductions.

Commissioner Finkeldei said he would support a provision that says if the gross square footage did not expand more than 10% or 20% in the last 5 years.

Commissioner Dominguez asked why Commissioner Finkeldei would not want the issue to go to the Board of Zoning Appeals.

Commissioner Finkeldei said the Board of Zoning Appeals can only consider certain items and saving an historic structure is not one of their decision making criteria.

Commissioner Rasmussen said there has to be unique circumstances and if the hardship is self inflicted that is not one of the criteria and neither is the dollar cost.

Commissioner Liese asked staff to review the current parking requirements for multi-dwelling and boarding houses.

Mr. McCullough said for multi-dwelling structures it is 1 parking space per bedroom, for boarding houses it is 1.5 parking spaces per two lawful occupants.

Commissioner Rasmussen asked about the current parking requirements for dormitories.

Mr. McCullough said it was the same as boarding houses, 1.5 parking spaces per occupant.

Commissioner Blaser felt that the parking should be the same across uses with boarding houses being 1 parking space per bedroom.

Commissioner Rasmussen asked if that meant he also favored a change in sorority and fraternity parking.

Mr. McCullough said currently sororities, fraternities, and boarding houses have a reduced parking standard than apartments.

Commissioner Blaser said he would have to think about that.

Commissioner Carter said he did not want to address fraternities and sororities separate from this. He felt the one to one parking was the way to go and also grandfather in the legal non-conforming issues. He said the Overlay Districts could address large structures.

Commissioner Finkeldei said there are quite a few structures that are 10 bedroom apartments. He said if an owner tries to renovate those and does not comply with the parking standards then they would probably just leave them the way they are.

Mr. McCullough said of the 22 boarding houses originally provided to them 7 of those were over 3,500 square feet.

Commissioner Dominguez asked Commissioner Finkeldei what he wanted changed from the August language.

Commissioner Finkeldei said he favored the 1 to 1.5 parking for structures over 4,000 square feet. He said adding multi-dwelling structures would require more time.

Commissioner Singleton said if the majority of people in attendance tonight were in agreement that parking should be 1 to 1 and in agreement that the only other modification was to grandfather approved boarding house structures then it could be forwarded to City Commission.

Mr. McCullough said yes, if it did not include a standard for waiving parking requirements.

Commissioner Singleton said they were close to getting it done last month. She said her understanding was that they were going to vote on this tonight. She said there was new information about potential language for parking, how to handle non-conforming structures, and how to address the issue of an onsite property manager. She said if they look at the language from the August meeting that says the parking should be 1 space per bedroom. She felt that the majority of the Commission believed it should be 1 parking space to 1 bedroom. She said the only other issue was the issue of grandfathering in structures that were already in place.

Commissioner Finkeldei asked if Commissioner Singleton was suggesting the motion should be to adopt the August language plus the non-conforming language from this month's memo.

Commissioner Singleton said yes.

Commissioner Harris said if the vote was to forward to City Commission she would only be comfortable doing that if she could see the language that they would be voting for and preferably review the minutes from the August meeting to refresh her memory.

Commissioner Rasmussen said he would like to see the language too. He said when looking at the August language he would support the 1 parking space per bedroom but would like to see some relief for large structures and felt they were creating a problem by ignoring it.

Commissioner Carter said he was concerned about the unintended consequences. He was comfortable with the 1 parking space per bedroom and including language to allow the Planning Director if it's based on saving a larger structure.

Commissioner Harris asked if Commissioner Carter meant large or large historic.

Commissioner Carter said he meant large historic.

Commissioner Rasmussen said the reason he liked boarding houses was it preserved the character of the neighborhood.

Commissioner Liese said in the staff memo it states that there appears to be consensus that large structures in the Oread neighborhood or another established neighborhood should be provided relief from parking requirements in a way that treats multi-dwelling structures and boarding houses the same. He wondered if there was really consensus.

Commissioner Finkeldei said he thought there was consensus.

Commissioner Blaser thought so too.

Commissioner Carter thought so as well.

Commissioner Singleton said there was a difference between an historic home being maintained but she does not want to encourage them to be torn down and an apartment complex be built instead.

Commissioner Dominguez said the incentive to turn a house into a boarding house was to make money. He said he liked the Board of Zoning Appeals route in order to get the neighborhood involved.

ACTION TAKEN

Motioned by Commissioner Finkeldei, seconded by Commissioner Harris, to defer the item and direct staff to work on language consistent with the staff memo set forth in item 1 and include language that saves larger structures, includes language that does not allow it to expand over a certain percentage, and look at the non-conforming language again.

Commissioner Singleton said staff did an excellent job of raising good points to take into consideration. She said she would like information about how many houses are over 4,000 square feet. She suggested during the Mid-Month meeting having a theoretical discussion about the issue of grandfathering non-conforming structures. She agreed that maybe the Board of Zoning Appeals was not the best route to be making these decisions because the factors they consider aren't relevant to the issue they would be asked to address. In reference to an onsite property manager, she strongly felt there needed to be someone who had some level of responsibility. She suggested a phone number onsite to get a hold of owner. She said she supported Commissioner Finkeldei's motion.

Commissioner Liese supported Commissioner Finkeldei's motion. He would like staff to elaborate on the statement that parking regulations should be revised to create uniform relief from the parking standards for multi-dwelling structures and boarding houses.

Mr. McCullough said hundreds of Text Amendments have been done since the Code was adopted in 2006 because there have been discrepancies and inequities. He said this Commission has worked a long time on that. The process has brought up the notion that there are inequities between multi-dwelling structures and boarding houses if they are both to thrive in established neighborhoods in the RM Districts. He said the code today gives advantage to boarding houses.

Commissioner Dominguez did not know if he would support or vote against the motion. He said regarding not having the Board of Zoning Appeals hear items because of the five criteria, the first two criteria are unique circumstances to a variance being requested by a boarding house. He did not like decisions being made by the city instead of being heard through the public process and did not think it was good for public policy. He said he did not think he would support motion

Commissioner Harris said Commissioner Dominguez made some good points. She said she was not ready to move it forward just yet.

Commissioner Carter said he would vote in favor of the motion. He said the motion was for including language that saves larger structures and he would like to see it for large historic structures. He said he would rather use Overlay Districts to address all large structures.

Commissioner Burger asked if the motion was approved if the public comment period would be open again.

Mr. McCullough said he would recommend they have a public hearing on that language.

Motion carried 7-2, with Commissioners Burger and Dominguez voting in opposition. Student Commissioner Davis abstained.

Lawrence Preservation Alliance

P.O. BOX 1073 • LAWRENCE, KANSAS 66044

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NOV 08 2010

City County Planning Office
Lawrence, Kansas

DIRECTORS

11-9-10

ANDRÉ BOLLAERT

TA-6-17-09

DENNIS BROWN
PRESIDENT

Congregate Living

BRENNA BUCHANAN

Planning Commissioners:

VIRGIL DEAN

At your last meeting regarding this amendment you were attempting to address two concerns: expansion language and parking requirements for larger structures.

KATE DINNEEN

I was pleased to hear some of you express the need for some type of language regarding expansion. In the draft amendment you forwarded to the City Commission in December 2009, there was a 20% expansion limit but also a complex formula for measuring the actual building's footprint. The Commission, I believe, was fine with the 20%, but wanted you to simplify the language for identifying the footprint.

ERNIE ECK
CO-TREASURER

MIKE GOANS

PAT KEHDE
SECRETARY

DALE NIMZ

In May 2010 staff did this, with the following language: "A structure containing a congregate living use shall not be enlarged greater than 20% of its existing building footprint, measured at grade, for the life of the congregate living use."

WESTON NORWOOD

NICOLE SABATINI
VICE-PRESIDENT

By August 2010 staff was proposing to strike all expansion language from the amendment, stating that other code mechanisms will limit expansions, making proposed language redundant.

MICHAEL SHAW

DALE SLUSSER
CO-TREASURER

In the LPA letter of 9-19-10, we showed a recent example of a plan that passed Historic Resources environs review [HRC's least-stringent review], and met all other codes and restrictions yet achieved a doubling of square footage from 900 to 1850 square feet. Asked by Commissioner Harris to respond to LPA's point, staff in my view was unable to properly answer the question.

MARY LYNN STUART

REV. VERDELL TAYLOR JR.

CAROL VON TERSCH

DENNIS DOMER
EMERITUS

If you adopt the May language I believe City Commission will pass it. If you also wish to protect small, older houses from receiving multi-story additions as a way to subvert this language, you should add language such as we've already proposed: "If the proposed expansion utilizes more stories than the original structure, the square footage of the expansion shall not be greater than the square footage derived from calculating 20% of the existing building footprint, measured at grade." LPA agrees with your assertion that congregate living as a permitted use is necessary to preserve some large, older structures. To use congregate living to expand small, older structures beyond all recognition is neither necessary nor desirable.

MARCI FRANCISCO
EMERITUS



Lawrence
Preservation
Alliance

Serving Lawrence and Douglas County
www.lawrencepreservation.org

Regarding parking, there was concern that the one space per bedroom standard you are adopting is impractical for some larger structures on small lots. There was discussion about relaxing this standard at some arbitrary number, with 4000 square feet being the most mentioned. But discussion regarding this was exposing potential problems, such as applicants expanding smaller houses to reach the 4000 square feet threshold and then achieving the lesser parking requirement.

There was also discussion about leaving this decision in the hands of the planning director to administer on a case by case basis. Some commissioners also expressed a concern to not burden the BZA with variance requests.

I asked two recent members of the BZA if a parking variance on a large, older structure would fit their five criteria, and if they felt the BZA was currently overburdened. They both told me that a variance request of this nature would fit the criteria, and that BZA agendas have been light for some time. Check it out for yourself. You are the overburdened commission in this city, not the BZA!

Why in the world would the planning director wish to accept the sole responsibility for making a decision on boarding house applications knowing how much these conversions can inflame the neighbors? Commissioner Dominguez was correct in his assessment of this issue: if a variance request goes to a public hearing format, several citizens, rather than one staff member, make the call, and any member of the public has the opportunity to comment on it.

As we've stated before, when design guidelines are formulated for the high-density urban conservation overlay districts in the new Oread Neighborhood Plan, LPA will support relaxing the one to one parking standard for large, older structures in those areas. In the meantime, if LPA is made aware of any large, older structure that really needs a conversion to congregate living to be renovated and needs a parking variance, we will support it if there are no objections from the immediate neighbors.

Finally, in earlier versions of this amendment there was language regarding a code-compliant trash receptacle area, and a means to immediately notify a property owner if a problem has come up. Those are both important components of this amendment and should be included.

Please pass the one space per bedroom standard as is, and adopt some simple expansion language, and send this text amendment back to the City Commission.

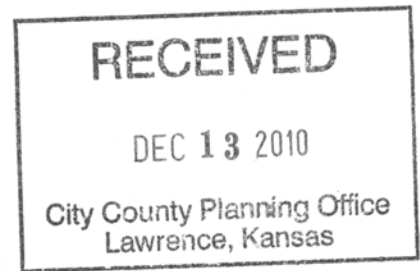
Sincerely,

A handwritten signature in black ink, appearing to read "Dennis J. Brown". The signature is fluid and cursive, with the first name "Dennis" and last name "Brown" clearly distinguishable.

Dennis J Brown, president

TA-6-17-09

Suggested language changes



Limitations on Expansion

- a. At the time of its conversion to the Congregate Living use and for the life of a Congregate Living use upon its establishment, a Structure containing Congregate Living use shall not be enlarged greater than 20% of its existing building footprint, measured at grade and including roofed porches. The height of a building expansion shall not be greater than the height of the original structure.

Parking table

Footnote #1 Whenever a structure 3,500 gross square feet or larger as of (Date of the ordinance), on a property 8,775 square feet or less is renovated as a multi-dwelling structure or congregate living use, parking shall be provided at the overall rate of .75 spaces per bedroom, with a minimum of no fewer than 5 spaces provided. For such structures within the designated boundaries of the high-density overlay districts in the Oread Neighborhood only, containing bedrooms of nine or more, parking shall be provided at the rate of .5 per bedroom.

Dennis J Brown

League of Women Voters of Lawrence-Douglas County

P.O. Box 1072, Lawrence, Kansas 66044

December 12, 2010

RECEIVED

DEC 13 2010

City County Planning Office
Lawrence, Kansas

Mr. Charles Blaser, Chairman
Members
Lawrence-Douglas County Planning Commission
City Hall
Lawrence, Kansas 66044

RE: ITEM NO. 4: TEXT AMENDMENT TO CITY OF LAWRENCE DEVELOPMENT CODE; BOARDING HOUSE

Dear Chairman Blaser and Planning Commissioners:


We support the intention of the Planning Commission to avoid preferential treatment to either Boarding Houses (Congregate Living) or Apartment conversions of existing single family houses on small lots. We support avoiding the consolidation of small lots for larger apartments. The proposed staff suggestion to provide parking variances for large houses on small lots we hope will provide the desired effect of preserving these large older houses rather than demolishing them; however, we do not think that the standard should be lowered from what is now existing unless it is adopted as part of planning for an overlay district. Therefore we suggest that you consider allowing structures that are 3,500 gross square feet or larger (as of date of the ordinance) on properties 8,775 square feet in size or less to have required parking at the current rate of 0.75 spaces per one bedroom.


We also believe that there will be unintended consequences in the proposed change to allow a 20% increase in the footprint of these single family houses that are being expanded for apartment or boarding house use. The footprint deals only with the square footage at ground level. It would not prevent the addition of a second or third story (the RM32 District allows up to 45 feet in height). It would even allow an additional 20% square footage to second- and third-story additions and still be complying within the proposed provisions of the text amendment.

We suggest that the additional 20% expansion limit should apply to the existing structure rather than to the footprint. This would allow a sizable expansion to even large structures.

We hope you will accept these suggestions. Thank you.

Sincerely yours,


Milton Scott
Vice President


Alan Black, Chairman
Land Use Committee



Lawrence Association of Neighborhoods

Neighborhoods Working Together

Dear Planning Commissioners and Planning Department:

LAN is writing to support the completion of the city-wide Congregate Living Amendment. We believe that the city-wide Congregate Living Amendment will update outmoded boarding house standards and be beneficial to all neighborhoods. We support the following changes:

- 1.) One parking space per bedroom for new construction or conversion of existing structures.*
- 2.) Congregate living units shall require sprinkling the entire dwelling unit according to City Fire Code.*
- 3.) Limits on building expansions should be addressed in neighborhood overlay district maps. Ex: Houses in Oread build on small narrow lots.*
- 4.) Historic structures over 4000 sq feet not able to meet parking requirements should go before the BZA. Large historic structures appropriate for congregate living in high density areas should be designated in neighborhood overlay district maps.*
- 4.) Uncovered decks and patios shall be limited to 20 sq feet of area per bedroom.*
- 5.) A trash receptacle area compliant with the Development Code, the City Code, and related amendments and policies established by the Solid Waste Division of the City shall be designated on the site plan, used or reserved for use on the site for waste generated by the residents.*
- 6.) An onsite contact person with authority will be designated.*

This amendment is important because:

- 1. It conforms with all other RM12 and higher parking requirements in the city.**
- 2. It does not create an incentive to build congregate living rental units over all other types of rental units.**
- 3. It helps to address limited off street parking.**
4. Many other college cities support this parking requirement- Boulder Colorado, Manhattan Kansas, Ames Iowa, Stillwater Oklahoma.
- 5. It is financially fair to all individuals who own and rent property in neighborhoods.**
- 6. It will help maintain a variety of housing types in all neighborhoods.**

Thanks you,
Gwendolyn L. Klingenberg
Lawrence Association of Neighborhoods - President

From: Scott McCullough
Sent: Monday, December 13, 2010 8:19 AM
To: 'Robbie Farha'; David L. Corliss
Cc: David Holroyd; Fadila Boumaza; Shane Munsch
Subject: RE: TA-6-17-09

Rob,

You mention LAN in your email, but do you mean LPA? The LPA submitted a letter dated Nov 9 after the September PC discussion and it was included this month because it is the first opportunity the PC has to view it. The letter is not reacting to this month's proposal, but is instead responding to the PC's direction in September.

The 2006 rezoning was a city-wide effort to move to the new code. I'll try to address some of these questions this evening.

We'll check that your email is entered correctly on the online subscription service so you receive the PC agendas. Please let me know of any follow up questions.

Scott McCullough, Director - smccullough@lawrenceks.org
Planning and Development Services | www.lawrenceks.org
City Hall, 6 E. 6th Street
P.O. Box 708, Lawrence, KS 66044-0708
office (785) 832-3154 | fax (785) 832-3160

From: Robbie Farha [mailto:knobbiewheel@yahoo.com]
Sent: Monday, December 13, 2010 12:26 AM
To: Mike Amyx; David L. Corliss; Mike Dever; Rob Chestnut; Lance Johnson; Aron Cromwell; Scott McCullough
Cc: David Holroyd; Fadila Boumaza; Shane Munsch
Subject: RE: TA-6-17-09

You are correct Scott, I was in your office on Monday November 8th. At that time I brought up that City Commission asked Staff to have the 2 sides sit back down together which was never done. After reviewing the draft there is a lot of good in it, but I don't understand how LAN has their response letter dated Nov. 9th and I think the update letter has a date of August 25. Why wasn't it given to me that Monday? You stated it was still being worked on and you are correct that you stated that it would be sometime in December. I awaited for some kind of notification by letter or email and did not receive any. I have tried to sign up for on line emails 3 times and never get the email. As Shane Munsch pointed out, he did receive notice 1 week prior which is not enough notice to call an ONA meeting to discuss the changes. (Again, LAN's letter is dated Nov. 9th so they must have been notified)

I will see everyone Monday evening.

PS. During Monday's session, I would like to know who initiated the changes in 2006 when we went from RD to RM32 and who initiated the present proposed changes. The info may be redundant, but I ask again, why do we need any changes. There are plenty of "tools" in the box presently to address future boarding houses. In my opinion, TA-6-17-09 should be dropped.

From: Shane Munsch

To: Scott McCullough

Cc: Robbie Farha ; Mike Amyx ; David L. Corliss; MikeDever ; Rob Chestnut ; LanceJohnson ; Aron Cromwell ; David Holroyd ; Fadila Boumaza ; John Davis

Sent: Fri Dec 10 12:27:25 2010

Subject: Re: TA-6-17-09

The subscription service provides a one week notice. That is not adequate when trying to assemble a large group (ONA) to discuss. Based on the fact that it was the ONA that originally proposed the text amendment, it would be prudent to allow them time to review the latest revisions prior to asking the PC to approve. As a property owner, I would request this item be postponed.

Shane Munsch

Mobile Email

From: Scott McCullough

Sent: Friday, December 10, 2010 8:01 AM

To: Robbie Farha; Mike Amyx; David L. Corliss; Mike Dever; Rob Chestnut; Lance Johnson; Aron Cromwell

Cc: David Holroyd; Fadila Boumaza; Shane Munsch

Subject: RE: TA-6-17-09

Rob,

We will include your email as correspondence to the PC. On the subject of notice, you might recall that you recently visited me in my office and I verbally informed you of the upcoming PC meeting and even the substance of Planning's recommendation to the PC. I informed you that the staff report would be available this week. Additionally, the city has a subscription service to sign up for all planning related agendas. Please let me know of any questions.

Scott

From: Robbie Farha [knobbiewheel@yahoo.com]

Sent: Friday, December 10, 2010 12:50 AM

To: Scott McCullough; Mike Amyx; David L. Corliss; Mike Dever; Rob Chestnut; Lance Johnson; Aron Cromwell

Cc: Robert Farha; David Holroyd; Fadila Boumaza; Shane Munsch

Subject: TA-6-17-09

Scott McCullough and others, hope all is well.

I have asked numerous times to have an email sent from your department regarding any meetings on the text amendment for the boarding house. I just found out it will be discussed at Monday's (Dec. 13) PC meeting.

NO notice has been sent via mail or email. This TA is discussion which could include the change in status of our properties. When it was sent back from City Comm to PC, we were told major stakeholders would be included in a meeting to discuss ideas before it would be put on the PC agenda for December. This has never happened and now here we are with no notice and its on the agenda for Monday 12/13.

I will try to come by tomorrow (Fri 12/10) to get the revised packet to see the proposed changes. However, it is not an appropriate amount of time to notify the Oread Neighborhood Assc. or various stakeholders on such a major item.

Please include this email to the Planning Commission agenda packet for TA-6-17-09.

RECEIVED

DEC 13 2010

12-10-10
City-County Planning Office
Kansas City, Kansas

Dear Planning Commission,

Due to the length of time it has taken to make a decision on the **boarding house amendment**, I would like to provide information to any new commissioners who may not be familiar with this issue.

ONE of the GOALS of the Oread Neighborhood Plan is to maintain a variety of housing types in order to provide a balance in the diversity of people living in the neighborhood. Owner occupants are believed to be an important part of the mix of housing types available in the neighborhood. They help maintain stability in the area. Maintaining resident home owners has been made especially difficult by the **escalating number of BH**(boarding house/congregate living) units. Since the 1990's the # of requests for BH designations has gone up 2000%. Prior to this, *owner occupants had been reasonably protected by the ruling that stated that **no more than 4 unrelated individuals** could live in a single dwelling unit/usually a house*. Single-family zoned areas allow **no more** than 3 unrelated individuals to live in a house.

Boarding houses 50/60 years ago used to be homes where owners rented out rooms and often provided meals for their renters. Students not only lived with a resident supervisor, they lived with families. This aided civil, cooperative behavior among students and residents. **Students also did not commonly own cars**. Years later as society changed, BH use faded. *However, about 10 years ago a resurgence of BH applications began* and morphed into what we have today. **The code for BH should have been altered or studied at that time to discuss the present use and the unintended impact on neighborhoods. Five years ago the ONA brought this problem to the attention of the planning department who agreed that it was a problem. No action was taken.**

TODAY we are seeing homes that once housed 4 unrelated individuals **now house double that number** and in some cases even more. The once subdued BH of old has now become a residence for groups of undergraduates who generally know each other and have some kind of affiliation with a social living group on campus. **They not only house students but they are also popular off-campus locations for parties and open salons**. Underage and irresponsible drinking is rampant. There is often outdoor deck and patio space for outdoor gatherings, drinking and celebration. This kind of activity does not encourage peace abiding renters or homeowners to remain in the neighborhood. It puts stress on the neighborhood and uses many city resources to address the *disruption, higher crime, litter, parking problems and ensuing blight*.

The higher density that is allowed for BH units and the lower parking requirements, favors the BH rental unit over all other types of rentals. Individuals wanting to buy older homes in the neighborhood are now being priced out of the market as home prices rise due to the income generating potential of a BH. **A lower parking standard also seems unwise in an area already plagued with parking problems.**

The Boarding house/ Congregate Living Unit amendments being considered will impact many neighborhoods. ***This is a city-wide amendment change.*** As a resident and landlord in the Oread Neighborhood, I support the position that LAN has taken suggesting change to the outdated Boarding House Code.

Thank you,

Sincerely Candice Davis, Oread resident and landlord

Lawrence Association of Neighborhood's position on the BH Amendment

- 1.) One parking space per bedroom for new construction or conversion of existing structures.*
- 2.) Congregate living units shall require sprinkling the entire dwelling unit according to City Fire Code.*
- 3.) Limits on building expansions should be addressed in neighborhood overlay district maps. Ex: Houses in Oread build on small narrow lots.*
- 4.) Historic structures over 4000 sq feet not able to meet parking requirements should go before the BZA. Large historic structures appropriate for congregate living in high density areas should be designated in neighborhood overlay district maps.*
- 4.) Uncovered decks and patios shall be limited to 20 sq feet of area per bedroom.*
- 5.) A trash receptacle area compliant with the Development Code, the City Code, and related amendments and policies established by the Solid Waste Division of the City shall be designated on the site plan, used or reserved for use on the site for waste generated by the residents.*
- 6.) An onsite contact person with authority will be designated.*

OREAD PLAN GOALS 2010

- 1. Land Use-** Maintain a variety of housing types to provide a balance in the diversity of people living in the neighborhood while maintaining strong neighborhood scale commercial areas.
- 2. Preservation-** Preserve and improve the character of the neighborhood by encouraging the preservation of existing historic structures and features and by supporting infill development that is compatible with the surrounding neighborhood.
- 3. Infrastructure-** Promote improvements and maintenance of existing infrastructure on a regular basis, and upgrade infrastructure when redevelopment occurs. *(a rental inspection program)*
- 4. Neighborhood Atmosphere-** Promote a healthy and safe living, working, studying, and celebrating environment with a sense of community.

Memorandum
City of Lawrence
Douglas County
Planning & Development Services

TO: Planning Commission

FROM: Planning Staff

CC: Scott McCullough, Director

Date: For December 13, 2010 Commission Meeting

RE: Misc. Item #1 – Initiate rezoning of 1820 E 1450 Rd

The Lawrence City Commission approved the de-annexation of 1820 E 1450 Rd at their regular meeting on October 12, 2010. When the property was under Lawrence jurisdiction it was zoned UR (Urban Reserve) District. As a result of the de-annexation the property is now part of unincorporated Douglas County, but does not have a Douglas County zoning district. Staff believes it is appropriate to rezone the property to the "A" Agriculture District. [Map](#)

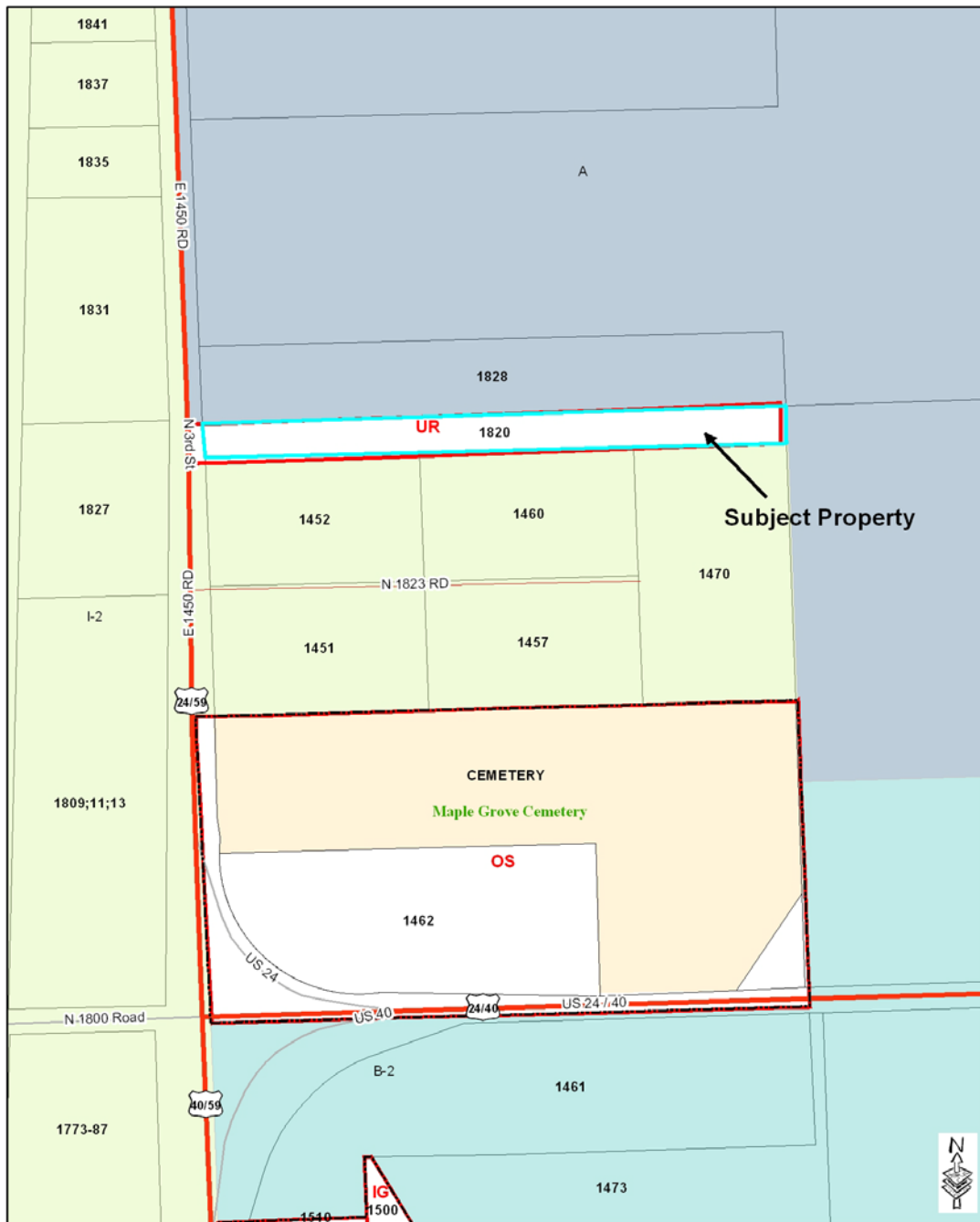
Staff Recommendation:

Initiate rezoning of 1820 E 1450 Rd from the Lawrence UR (Urban Reserve) District to Douglas County "A" Agriculture District.

[Return to top of document](#)

Initiate Rezoning of 1820 E 1450 Rd

Date: 12/6/2010



Memorandum
City of Lawrence
Douglas County
Planning & Development Services

TO: Planning Commission

FROM: Planning Staff

CC: Scott McCullough, Director

Date: For December 13, 2010 Commission Meeting

RE: Misc. Item #2 – Initiate rezoning of 315 Perry Street, 309 Perry Street and 528 N. 3rd Street

The Planning Commission recommended approval of the rezoning of 302 Perry Street from IG (General Industrial) District to RS7 (Single-Dwelling Residential) District on July 26, 2010. The Commission also directed staff to contact other industrial zoned single-family properties in the 300 block of Perry Street to gauge their desire to be rezoned to a single-family zoning district.

Staff contacted the four remaining industrially zoned single-family properties. The three properties on the north side of the block (315 Perry St., 309 Perry St., and 528 N. 3rd St.) have expressed an interest in pursuing rezoning. Staff is still working with the property owner of 312 Perry Street. If they agree to the rezoning, staff will process that application separately. [Map](#)

Staff Recommendation:

Initiate rezoning of 315 Perry Street, 309 Perry Street, and 528 N. 3rd Street from IG (General Industrial) District to RS7 (Single-Dwelling Residential) District.

[Return to top of document](#)

300 Block Perry Street Rezoning

