



Updated:

1/21/11 @ 3:15pm

Added communications for Item 5 - Rezoning of 309 & 315 Perry St, 528 N 3rd St

Added Draft December Planning Commission Minutes

1/18/11 @ 2:45pm

Draft December Planning Commission Minutes will be added when available

DEFERRED: Item 6 - Text Amendment for Minor & Major Subdivisions

WITHDRAWN: Item 7 - Variance for S1-T12S-R18E

****The Wednesday, January 26th 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

JANUARY 24 ~~& 26~~, 2011 6:30 - 10:30 PM

GENERAL BUSINESS:

PLANNING COMMISSION MINUTES

Receive and amend or approve the minutes from the Planning Commission meeting of December 13, 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 (JANUARY 24, 2011) MEETING

NON-PUBLIC HEARING ITEM:

ITEM NO. 1 FINAL DEVELOPMENT PLAN FOR CROSSGATE DRIVE CASITAS; 2451 CROSSGATE DR (SLD)

FDP-11-11-10: Consider Final Development Plan for Crossgate Drive Casitas, located at 2451 Crossgate Drive, for a 46 unit Multi Dwelling Residential development on approximately 4.6 acres. Submitted by BG Consultants, Inc for Michael D. Stultz, property owner of record.

PUBLIC HEARING ITEMS:

ITEM NO. 2 VARIANCE FOR 5217 BRANCHWOOD COURT (MKM)

FDP-11-10-10: Consider a variance from the peripheral setback through a revised Final Development Plan for Foxchase Patio Homes, located at 5217 Branchwood Court. Submitted by Gary D Boyer and Lavena R Boyer, property owners of record.

ITEM NO. 3 RS5 TO RSO; .36 ACRES; 1701 MASSACHUSETTS ST (MJL)

Z-11-15-10: Consider a request to rezone approximately .36 acres from RS5 (Single-Dwelling Residential) to RSO (Single-Dwelling Residential-Office), located at 1701 Massachusetts Street. Submitted by Jennifer O'Driscoll, for First Church of Christ Scientists, property owner of record.

ITEM NO. 4 UR TO COUNTY A; 2.4 ACRES; 1820 E 1450 RD (DDW)

Z-12-17-10: Consider rezoning approximately 2.4 acres from UR (Urban Reserve) to County A (Agricultural), located at 1820 E 1450 Road. *Initiated by Planning Commission on 12/13/10.*

ITEM NO. 5 IG TO RS7; .6 ACRES; 309 & 315 PERRY ST, 528 N 3RD ST (DDW)

Z-12-18-10: Consider rezoning approximately .6 acres from IG (General Industrial) to RS7 (Single-Dwelling Residential), located at 315 Perry Street, 309 Perry Street and 528 N. 3rd Street. *Initiated by Planning Commission on 12/13/10.*

****DEFERRED****

~~ITEM NO. 6 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.*~~

****WITHDRAWN BY APPLICANT****

~~ITEM NO. 7 VARIANCE FOR SECTION 1 TOWNSHIP 12S RANGE 18E~~

~~**CSR-12-26-10:** Consider a request for a variance from section 20-806(d)(2)(v) and (vi) of the Subdivision Regulations pertaining to Minimum Frontage and Entrance Spacing Requirements and Minimum Road Right(s) of way for 25 acres, 1 parcel, Residential Development Parcel No. 2, Section 1-Township 12S-Range 18E, of the Certificate of Survey submitted by Rogers Surveying for Milton Lee Norwood, Executor for Roger and Lois Norwood.~~

MISCELLANEOUS NEW OR OLD BUSINESS

Consideration of any other business to come before the Commission.

PUBLIC COMMENT SECTION

ADJOURN

CALENDAR

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					

February 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					

PCCM Meeting:

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

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PLANNING COMMISSION MEETING

December 13, 2010

Meeting Minutes DRAFT

December 13, 2010 – 6:30 p.m.

Commissioners present: Blaser, Burger, Culver, Finkeldei, Harris, Hird, Liese, Rasmussen, Singleton

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

MINUTES

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

Commissioners Blaser and Rasmussen said they would abstain from the vote since they were absent from the November meeting.

Commissioner Harris said the discussion regarding language on watersheds did not make sense the way it was written.

Mr. McCullough said it could be revised for clarification.

Motioned by Commissioner Liese, seconded by Commissioner Hird, to approve the November 15, 2010 Planning Commission minutes.

Approved 7-0-2, with Commissioners Blaser and Rasmussen abstaining.

COMMITTEE REPORTS

No reports from any committees that met over the past month.

COMMUNICATIONS

Mr. Scott McCullough, Planning Director, reviewed new attachments/communications that were posted to the online Planning Commission agenda after the initial posting date.

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

EX PARTE / ABSTENTIONS / DEFERRAL REQUEST

- No ex parte.
- Abstentions:
Commissioner Finkeldei said he would abstain from Item 2 as he currently serves on the board.

PC Minutes 12/13/10 **DRAFT**

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 PRESENTATION

Ms. Sandra Day presented the item.

APPLICANT PRESENTATION

Mr. Allen Rockhold, was present for questioning.

Commissioner Liese inquired about the number of accessory buildings without a Conditional Use Permit.

Ms. Day said that was a determination that came from the County Administrators Office. The applicant had a preliminary hearing with one of the County Commissioners as part of the appeal process and the determination from that Board was that a Home Occupation was limited to a certain amount of square footage for those accessory buildings. There are a number of accessory buildings onsite and it was not the applicant's intent to use those buildings for the business. County Administration Staff found that this was a difficult manor to enforce so they have been ridged in their interpretations when talking about accessory structures and Home Occupations.

Commissioner Liese asked what the neighbors thought.

Mr. Rockhold said he tried to contact all the neighbors and they were all fine with it. He said one of the neighbors was present in the audience. He said some of the neighbors were scared by the wording of 'truck storage' used in the staff report.

PUBLIC HEARING

No public comment.

ACTION TAKEN

Motioned by Commissioner Rasmussen, seconded by Commissioner Singleton, to approve 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.

Unanimously approved 9-0.

PC Minutes 12/13/10 **DRAFT**

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.

STAFF PRESENTATION

Ms. Sandra Day presented the item.

APPLICANT PRESENTATION

Mr. Aaron Gaspers was present for questioning.

PUBLIC HEARING

No public comment.

ACTION TAKEN

Motioned by Commissioner Singleton, seconded by Commissioner Hird, to approve 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.

Unanimously approved 8-0-1, with Commissioner Finkeldei abstaining.

PC Minutes 12/13/10 **DRAFT**

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.

STAFF PRESENTATION

Ms. Michelle Leininger presented the item.

Commissioner Liese asked how many separate buildings on average there were in the Oread neighborhood for the one acre space.

Ms. Leininger said she did not have that calculation.

Mr. McCullough said it applied in the RM32 District and there were a variety of structure types in the RM32 Districts, but all were regulated by the zoning standards. He said staff addressed the request in terms of looking at a calculable density that takes into account the variation and number of bedrooms in a unit.

Commissioner Liese asked if there were three separate buildings would the number of units inside each building affect the number of units the third building could have.

Mr. McCullough said it could if they were all combined into one development on a lot. It's calculated on a per lot basis.

Commissioner Liese asked if it was proportionate to one acre.

Mr. McCullough said yes.

APPLICANT PRESENTATION

Mr. Paul Werner, Paul Werner Architects, said there were no bonuses just a better mix. He said he was a little confused by the League of Women Voters letter regarding higher density. He said it was just a different way of configuring what could already be put on the property.

PUBLIC HEARING

Ms. Rose Moore said she owned rental property in the Oread neighborhood. She said a house that she owned, 916 Ohio, would be crippled if the acre thing would be approved. She expressed great concern about parking.

Commissioner Singleton asked Ms. Moore if she was speaking about the boarding house issue.

Ms. Moore said she was speaking for a lot of people who own property in the area and feel that parking is an issue.

Commissioner Rasmussen asked if Ms. Moore was concerned that this would require her to add parking.

Ms. Moore said she was concerned about not being able to sell the house in the future due to restrictions.

Mr. McCullough said this would not have any proactive effect on anything that exists today. What it does is provide an equation in the Code that allows staff to look at how density is calculated. He said parking standards still remain the same with this Text Amendment.

Ms. Moore said houses with alleys do not have the ability to add parking.

Mr. Dennis Brown, Lawrence Preservation Alliance (LPA), discussed possible unintended consequences of the amendment in terms of its possible damaging effects to existing single-family dwelling housing units. He said in the staff report staff agreed that this was a valid concern. He said it was difficult to promote preservation ideals in a neighborhood that's zoned RM32. He said there were lots more valuable than the existing original housing that sit on them. He said the Oread neighborhood was already the most densely developed neighborhood in Lawrence and this proposal increases the density. He stated a few weeks ago a City Commissioner pulled him aside at a community event and discussed a concern he had about the Oread neighborhood. He said the City Commissioner's own personal feeling was that they were reaching a tipping point, a point of no return, in losing the existing housing stock in the Oread neighborhood. Mr. Brown said a major goal of the new Oread Neighborhood Plan was to preserve existing housing stock. He said LPA understood the modern need for one and two bedroom apartments. He said they believe there are older apartment complexes and multi-family dwelling units in the Oread neighborhood that need redevelopment and could be incentivized. He felt that Lawrence was doing itself a great disservice if in allowing that redevelopment to occur they further incentivize the destruction of original single-dwelling housing. He asked the Planning Commission to direct staff to add language to the Text Amendment so that it only applies to projects that seek to replace structures originally built as multi-family dwelling units. He said projects that demolish original single-dwelling units in Oread deserve disappointment, not an added bonus of increasing the density.

Commissioner Hird said he thought the staff report said that this would not increase density, simply change the way the density was calculated based on the number of bedrooms. He said he read the League of Women Voters letter and it made the assertion that this would increase density in RM32. He asked Mr. Brown to help him understand how this could happen.

Mr. Brown said it was a little difficult for him to understand that point too, but he felt it was something the development side was requesting to help them out. He said LPA's point was that there were places in the Oread neighborhood where the help would be appropriate and others where it would not be.

Ms. Candice Davis said she lives in the Oread neighborhood and owns two rental properties. She said changing RM32 was confusing. She said she was uncertain of the impact to the entire neighborhood and would like to see more studies, investigation, and consideration. She said the Oread Neighborhood Plan was just ratified and in that there were areas designated for higher density and this was not one of them. She said it was her understanding that this Text Amendment was for a request to change one project at 11th & Indiana.

Commissioner Harris asked if the neighborhood association has discussed this issue.

Ms. Davis said she did not know since it was a new association of largely landlords.

Ms. Gwen Klingenberg, Lawrence Association of Neighborhoods (LAN), thanked Mr. Werner for coming to a LAN meeting to help explain some things. She also thanked Ms. Leininger for attending the meeting. She asked if there was a conceptual plan that was submitted with the Text Amendment. She asked how they resolved the plan to fit and to fit all over. She said in the past she has heard several commissioners say that the neighborhood always expect there might be bad development. She said LAN exists because of the occasional bad development. She stated that in writing a policy balance needs to be maintained to make sure there are no unintended consequences and everything has truly been looked at. She went over the nine review making decision criteria.

Commissioner Rasmussen said it sounded like Ms. Klingenberg thought this was a rezoning.

Ms. Klingenberg said it was a Text Amendment to change zoning and that there were neighborhoods that were never notified about this.

Commissioner Liese said what he was most struck by when he read this proposed amendment was that nothing would change except for the number of units. He said regarding Ms. Klingenberg's question of unintended consequences, density and dimensional standards have to be maintained. He said he was curious about her thoughts about everything that's being maintained and what it would take within that to assure her that this isn't such a major change.

Ms. Klingenberg said her questions come from neighborhood concerns and the staff report. She said she wanted to make sure this was not rushed through. She said there were some neighborhoods that didn't even know about this until December 2nd. She wondered how the density would not be increased if the number of kitchens, dining rooms, and restrooms were doubled. She said it may be the same number of bedrooms but doubling the number of other rooms.

Commissioner Harris asked if her concern was that the buildings would be bigger to accommodate the extra room for the kitchens and living rooms.

Ms. Klingenberg said it was because nobody knew what it will look like and nobody had seen the conceptual plan.

Commissioner Harris said in her opinion it seemed like the density wasn't being increased but rather increasing the options for obtaining the density allowed in the Code.

Ms. Klingenberg said she did not think the neighbors were as concerned about what the inside of the house looked like.

Commissioner Harris asked how many of the buildings in the Oread neighborhood were zoned RM32 and currently had that density now.

Ms. Leininger showed a map on the overhead projector.

Commissioner Harris asked if theoretically everything else could be expanded, demolished, and built to the RM32 density sometime in the future.

Mr. McCullough said that could be done today. He stated the language in the staff report reflects the assumption that this would add marketability to the Code and the ability to basically cater and serve a wider range of customers for the industry because of an ever-changing industry. He said there was a market for studio and one bedroom apartments with the college crowd and staff was trying to let the Code provide some flexibility so as not to push and require four bedroom apartments and allow

the ability to serve the students in the RM32 areas. He said with the increased marketability perhaps comes some pressure to consolidate lots but that staff could not put objective facts to that discussion so a lot of these were based on assumptions about how the apartment complexes serve the community and students. From a Planning perspective it does not harm the neighborhood because it was not increasing density.

Commissioner Harris inquired about previous discussions of diversity of housing stock. She wondered if there was a difference of concept of that. She also wondered if neighbors who would like to see existing housing stock stay there in its current form, which was not RM32. She asked if the Planning perspective of diversity of housing stock was talking about diversity of housing stock that would all occupy RM32.

Mr. McCullough said in terms of the Oread Neighborhood Plan the diversity in housing stock comes from the structures, such as single-family type structures, apartment complexes, Greek housing, and a number of different types of housing structures that serve different types of users.

Commissioner Harris asked if Planning envisioned those single-family houses in the Oread that do not have the opportunity for RM32 density would eventually go away.

Mr. McCullough said there were several factors working on developments outside of the footnote proposed tonight. He said there was historic review if in the environs and the majority of Oread was in some environs of a listed property. He said there was also the Oread Plan itself factored into development. He stated the overlay districts would affect development as well. He said maximum density was one factor but in his opinion there were much stronger factors working on developments that outweigh with how density was calculated.

Commissioner Harris asked if zoning trumped everything else.

Mr. McCullough said not necessarily. Zoning was one factor but historic review was a major component of development in the environs and this area in particular.

Commissioner Hird inquired about the issue of pressure to combine lots and asked what steps were involved in combining a lot in the Code today.

Mr. McCullough said if it's in the historic environs review then it would go to Historic Resources Commission. To replat the lots it would involve demolition permits to remove the existing structures, and then whatever structures were placed back on the site would require another historic review. Site planning and other Development Code standards would need to be met as well.

Commissioner Hird said there was a lot of interest in preserving single-family housing stock in the Oread neighborhood. He asked how many single-family houses were located in the RM32 district.

Ms. Leininger said she did not have a number for him but that it was one of the maps in the Oread Neighborhood Plan that showed the existing land use. She stated there was a mix of multi-family, duplex, and single-family structures in the RM32 areas of the neighborhood. She said that's part of what the plan speaks to is that mix, not only it's structure type, it's the mix within the structures also.

Commissioner Hird asked if it would be up to the individual home owner to request a downzoning to maintain single-family zoning in the Oread.

Ms. Leininger said yes, property owners can initiate rezoning, as well as Planning Commission and City Commission. She said in the August staff report there was a scheme that showed a general lot with a footprint with four bedroom units and the same footprint with one and two bedroom units.

Ms. Moore felt they needed to preserve the historical look of single-family houses.

Mr. Rob Farha, 1005 Indiana St, expressed concern about notification not being adequate. He was in favor of the text amendment and said the footprint wouldn't change and the density wouldn't increase.

Mr. Rick Hupper asked what was there now.

Commissioner Finkeldei said they were not discussing a particular development, they were talking about a Text Amendment for all of the RM32 district.

Ms. Marci Francisco, 1101 Ohio, said she lives in a single-family home that was zoned RM32. She said she has lived in the Oread neighborhood since 1973 and during that time she has worked on developments such as the fourplex that was catty-corner to her house at 1046 Ohio. She said it was developed with a mix of apartment sizes. She said this was not in response to a change of what the market was asking for, but in fact, an opportunity to create some additional dense development within the neighborhood. She said they agreed as part of the neighborhood plan that there were areas in the neighborhood that it did make sense to use for high density areas. She said they agreed those areas that are now apartment complexes should be allowed to be redeveloped to that use, so many feel that this text amendment would be appropriate if it could follow the low, medium, and high density recommendations in the neighborhood. She said Historic Resources Commission was not a tool to limit use, that was zonings job. If it really made sense, in terms of density, this change would be made throughout the zoning categories.

Commissioner Harris asked if Ms. Francisco was saying for the neighborhood plan that the low and medium density areas that have been proposed would in fact not develop to the full RM32 density.

Ms. Francisco said that was the hope of the neighborhood.

Commissioner Harris said the density wasn't really being increased, just increasing the options to get the RM32 density, so the pressure comes from having more different kinds of buildings to market to customers.

Ms. Francisco said she would agree. She said the four bedroom units really have only been used in duplexes in the Oread neighborhood.

Ms. Beth Reiber said the text amendment was very confusing. She did not feel there was enough in place to protect historic homes. She expressed concern about single-family homes being replaced with more units. She also expressed concern about the impact to the neighborhood with more kitchens resulting in more sewage issues.

Commissioner Harris asked if the Oread neighborhood infrastructure could sustain RM32 density for what it was zoned.

Mr. McCullough said staff was not familiar enough to answer that question. He stated the infrastructure supports what exists today. He said there were some improvements made to the infrastructure with the Oread Hotel that was warranted with that project.

Mr. Paul Werner said this was not a rezoning, all of the properties were already RM32 and could do this today, it was just a different mix. He said in the example Ms. Leininger gave the parking would go up. He stated a list of incentives was made as well as multiple meetings. He said the way to protect the single-family homes in the Oread was to rezone them. He did not feel it would add any more pressure in Oread since it could already be done, but would present a better product instead.

Commissioner Finkeldei asked Mr. Werner to answer one of the public questions about adding kitchens and living rooms but not increasing density.

Mr. Werner said the box has to remain the same with the same restrictions on height and setbacks. He said in theory if there were more living rooms and kitchens there may be less people living in those buildings because those things would take up more space.

Commissioner Liese said Mr. Werner stated he was proposing a better project. He said nobody would stop Mr. Werner from producing that product it just wouldn't be as profitable.

Mr. Werner said he disagreed with that statement. He said the land value near campus was worth more today than it was 20-30 years ago so an older apartment complex could be replaced with a more marketable product.

Ms. Carol von Tersch felt that development pressure could result in the loss of historic structures.

Mr. Tony Backus said regarding profitability, rent was per bedroom, not per unit. He stated it would be the same number of people, just a different configuration. He said he was opposed to the demolition of any old houses unless they were beyond repair.

COMMISSION DISCUSSION

Commissioner Finkeldei asked if this would only apply to RM32.

Mr. McCullough said yes. He said staff talked about the applicability in other RM districts and staff found it probably did apply to others but thought it should be put forth on the highest density zoning district to see how it was applied in the city. Because it is the highest based district it was the most applicable in RM32.

Commissioner Finkeldei asked how kitchens could be added without adding density.

Mr. McCullough said Mr. Werner would know better about the layout since he was the architect. He said in a four bedroom there would be larger living areas versus a studio or one bedroom so you make up some of that in the tradeoff between a four bedroom and a studio or one bedroom. He said they were talking about caps and staff was not expecting projects to come in meeting the fullest extent of the density unless there were some subterranean units.

Commissioner Finkeldei said if this goes forward to City Commission he thought it would be helpful to include the density slide show that shows what two densities could look like. He asked if there was any other conceptual plan other than what was shown in August.

Mr. McCullough said no.

Commissioner Finkeldei said he thought it would be helpful to link the two examples Mr. Werner showed them at the first meeting.

Commissioner Finkeldei said Ms. Francisco mentioned the high density areas in the Oread Plan and linking it to the high densities in the plan. He asked how staff saw this change meshing with the Oread Plan and those designations.

Mr. McCullough said in his opinion the Oread Plan and designations stand separate from this. He said staff does not see it necessarily as an incentive to do high, medium, or low. It does go with the RM32 district. The Oread Plan itself will designate on development what those density levels should be.

Commissioner Harris asked if underground parking would allow more dwelling units.

Mr. McCullough said it would perhaps allow them to reach their maximum cap.

Commissioner Harris said increasing options does make sense in some cases but does not make sense in the entire RM32 area, especially in the Oread neighborhood. She said the mechanism for attaining low, medium, and high density has not been established yet. The planning process has not gone far enough to be proactive in attaining what the Plan says they want to have. She supported the change in areas that were designated as higher density in the Plan or creating a new zoning category for those areas. She said she could not support a global change in the RM32 because there were too many structures in the Oread neighborhood that were zoned RM32 that were not in fact that dense. She agreed the historic review process would not necessarily save those structures. She said she could not currently support the text amendment as it stands but did see merit in a limited version of it.

Commissioner Liese said ultimately he felt it was a financial decision because not as much money could be made from 10 renters as from 16 renters. He said he could not support the text amendment without some modifications.

Commissioner Finkeldei asked if a project came in that wanted to tear down an apartment building that had 20 units and wanted to put in 30 units and it was in the medium density under the Oread Neighborhood Plan, how would that effect the process.

Mr. McCullough said if it was zoned RM32 and classified as medium density, staff would likely work to get the medium density established through the site plan process. If the applicant wanted to appeal that to the City Commission they could. He said staff was obligated to use planning documents in review of applications and would look for new development to meet the Plan and use the underlying zoning to get it there.

Commissioner Finkeldei asked if the plan going forward with the Oread Plan was to try and implement that as projects come forward.

Mr. McCullough said yes.

Commissioner Harris asked why they didn't actively downzone areas of the Oread to the intended density.

Mr. McCullough said that was a major discussion point through the Oread Neighborhood Plan and one of the options talked about was if the goal was to create stratification of densities in the Oread, one way to get there was to initiate rezonings (down zonings). Through that process many did not

believe that would be productive use of time because it would not be feasible or accepted as a product of the Oread Neighborhood Plan.

Commissioner Harris said if it was not considered feasible, was it reasonable for the Planning Commission to think if someone had an RM32 property in a medium or low density that they would fight restricting their density.

Mr. McCullough said that was reasonable to conclude there was potential for a fight.

Commissioner Rasmussen thought the proposed text amendment was a good idea because it removed an impediment to creativity of how the property could be developed. He said there was no proposal to change lot size, setbacks, building coverage requirements, reduce impervious coverage restrictions, height restrictions, parking, landscaping, lighting, ect. and that all it was doing was allowing creativity in how a building was constructed. He said he heard earlier comments that somehow trying to make a profit was a bad thing and he said he would question that. He said when someone has rental units they are typically trying to make money. He thought tying the proposed change to the Oread Neighborhood Plan would not be the way to go and would essentially be elevating the Plan to ordinance status and did not feel that was appropriate. He said staff would consider the Oread Plan in review of an application but it should just be guidance and general direction for the neighborhood. He said he would support the text amendment as proposed in the staff report. He said he liked the staff report and thought it was clean and simple.

Commissioner Liese said he was in favor of profit. He liked the way the staff report was written and thought it was clear. He felt it still boiled down to how concerned the community was. He said at this point given the same constraints it would cost more because of fewer renters. He said his main concern was community satisfaction.

Commissioner Finkeldei felt the reason there were so many people here speaking about it, for both sides of the issue, because there were conflicting goals. He felt it was a struggle to find the right balance and allow flexibility without tipping the balance. He said it takes awhile to understand this and felt they needed to get more information out to the community as it moves along in the process to make sure they understood it. He did not think the change was enough to tilt the balance and create houses to be bought up. He felt this particular proposal allowed flexibility without tipping that balance. He said to Ms. Klingenberg's point about unintended consequences that he could not say there would never be an unintended consequence. On the flip side he thought there would be some intended consequence of getting older buildings replaced. He did not want this to lead to the demolition of historic structures or single-family homes but he trusted staff to look at the Oread Plan to consider these things. He said he would support the text amendment.

Commissioner Singleton agreed that the text amendment was very well written and a much better staff proposal than the previous one, but that it was so different because the last proposal had very specific social consequences about development, appearance, green issues and protecting the community. She was disappointed to see that change. She said Mr. Werner's proposal made absolute sense about configuring the box the best way to be able to get students in there with their preferred living arrangements. She said this was initiated by an individual and there was no rush and there were community concerns that the Oread neighborhood would turn into just apartment buildings. She felt there was time to send this back to staff and ask for clarification about additional protections. Perhaps limiting it to buildings that were condemned, blight, or buildings that were already multi-dwelling units. She said she understood Commissioner Finkeldei's point about this not being a tipping point and that it was a balancing act.

Commissioner Hird appreciated the interest in preserving single-family housing and historic structures. He said he did not have any objections about postponing this one month but he thought the objections he heard were based on fears that he doesn't fully understand because it was simply about calculating density in a zoning district that already exists. He said if the text amendment was not approved the Oread Plan had the same effect and would not magically create low density in all the RM32 areas. He said it would not create maximum density in all the RM32 districts if it was approved. He thought it was silly to calculate dwellings based on kitchens instead of bedrooms. He said he wanted to have some sensitivity to the people living in the area but he did not see this creating an incentive to tear down structures because the building requirements were the same, just simply a change in how the density was calculated. He said he was not concerned about the profit to the developers if a better product was being created for the community. He said if staff looked at this and their recommendation was that this was a reasonable text amendment he could vote for it, but he had no objection to postponing it either. He objected to the notion that people did not know about this issue because it had been on the agenda multiple times. He was opposed to building in more complicated protections since this was just a simple way of calculating density and he did not want to complicate the Code any further. He did think they could accomplish some communication with members of the Oread neighborhood and sway some fears that this would somehow change the development in the area.

Commissioner Culver agreed that there needed to be more communication due to the different perspectives from the public speakers tonight because there was not a consensus of understanding with the community. He said fear hadn't been addressed and in moving forward it would take more communication in working together to avoid a tipping point. He felt they needed to work toward improving some of the existing multi-family dwellings that could make the whole Oread neighborhood a better place. He said if there was a need for one and two bedroom facilities near campus it was their duty to fill that need and work toward that.

Commissioner Liese asked if there was a way for Mr. Werner to do his project before the text amendment was approved.

Mr. McCullough said Mr. Werner was working on a project at 10th & Indiana, not being considered tonight, that would be able to utilize this text amendment if adopted, thus the reason this was an applicant driven request. He said any project in the RM32 district could do 32 units per acre of one, two, three, and four bedroom units. To maximize the development potential of 32 units of four bedroom units, would get the most use out of the RM32 district. So if that's the highest use but it's not a very marketable product then it would make sense to recognize that around campus studio, one, and two bedroom units are more practical. He said it was tough to maximize the zoning district but that there was relevance in terms of profitability, marketability, and highest use.

Commissioner Burger said the proposal was succinct and clear. She said there were other issues being debated that perhaps fall outside of this even though they might be legitimate concerns. She supported the text amendment because it was simple. She said she was looking at the character of the units that would be built. She said in her opinion studio, one, and two bedroom units, would provide for a more responsible populous. She said there would be more efficiency in space from a design standpoint. She did not think the impact to City infrastructure would be enough to make a difference. She thought this was a good proposal. She was not in any hurry to approve this but did not see any reason to not go ahead with it.

Commissioner Finkeldei said if there was a motion to delay they needed to provide staff with direction. He said he did believe there should be more education to the public that could be provided

between now and when it would go to City Commission. He said he would not support to defer just to bring back the same text amendment with no direction to staff to do anything different.

Commissioner Liese said he would like to hear from people in the community that were opposed to it and hear any alternatives.

Mr. McCullough said this was the third time this text amendment had been before Planning Commission so if Planning Commission would like staff to arbitrate two opposing view points to arrive at a compromise then that could be the direction to staff. He said there had been good information sharing to date with the neighborhood associations.

Commissioner Liese said he liked the staff report and agreed with Commissioner Burger.

Commissioner Blaser felt they should move this forward. He did not think it would make a great change or tipping point and was a way to sell property for a profit. He felt that builders/owners should have the chance to build if that's what the market calls for. He did not think it would hurt the neighborhood. He agreed with Commissioner Finkeldei that maybe a better classroom job at the City Commission level should be done so people can hear the true definition of it. He said he would vote in favor to move it forward.

Commissioner Singleton said her thoughts regarding the changes that needed to happen to the text amendment were that they needed to respect the neighborhoods designation of what the density levels were going to be, look at properties that have been condemned, blight, and abandoned structures, and limit it to the multi-dwelling units that were already in place.

ACTION TAKEN

Motioned by Commissioner Harris, seconded by Commissioner Liese, to defer this item and send back to staff to consider restricting the use of this to existing multi-family structures and in high density designated areas in the Oread Plan.

Commissioner Burger asked if there was a reason why they couldn't make that happen tonight to get it moving.

Mr. McCullough said there were districts outside of the Oread neighborhood that this would be applied to as well.

Commissioner Hird said this was the first time he had heard conditions in a zoning being tied to a neighborhood plan. He inquired about the legalities of mixing those concepts.

Mr. McCullough said he thought it would be difficult because planning documents were guides and not the only source of review factors.

Mr. John Miller, City Staff Attorney, said that could be reviewed. He said he did not know that they could do that but he was hesitant to give an opinion now without doing some research and determining whether that was appropriate or not.

Commissioner Hird asked if it would create an infirmity in the Zoning Code by having to refer to an external document that doesn't have the force of law like the Zoning Code. He asked if City Commission would have the opportunity to consider this change based on the discussion in the minutes.

Mr. Miller said it happen one of two ways; he could sit down with staff and discuss the issue and be prepared to address that at the governing body level or staff could express that it was a concern and the governing body would see it in the minutes and could direct staff to respond before enacting that change in the Zoning Code.

Commissioner Hird asked if a text amendment to the zoning regulation could be narrowed in scope to apply to only certain properties. He asked if there was anything comparable currently in the Code.

Mr. McCullough said he could think of anything comparable and that would be the review that the Legal Department and Planning Department would have to provide.

Mr. Miller said there is language within the Development Code that makes reference to, in this circumstance, the Comprehensive Plan and uses slightly different language in those sections than in other parts of the Development Code. He said they have done individual ordinances that have dealt with specific restrictions. He said the issue could be postponed for a month or two and staff could look at and provide additional information on that specific item.

Commissioner Blaser said if they send the test amendment back to staff it might undo the simplified version. He said he would not be in favor of sending it back.

Mr. McCullough said one of the major concepts was the uniformity in zoning districts so plucking out a few designated density districts in one particular neighborhood plan may create issues of uniformity in the zoning code.

Commissioner Rasmussen said he would not vote in favor of the motion and felt it was being overanalyzed. He felt it was a simple text amendment that would not have a significant change on the RM32 District.

Commissioner Harris asked if Mr. McCullough was saying that sending it back would be pointless because they could not create something that was not uniform.

Mr. McCullough said that would be at the heart of our analysis in terms of looking at the concept.

Commissioner Harris said she would withdraw her motion because she did not think it would go anywhere productive.

Commissioner Liese said that was fine with him.

Motioned by Commissioner Finkeldei, seconded by Commissioner Rasmussen, to approve 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, and forward to City Commission.

Commissioner Harris said she would vote against the motion. She felt it would probably increase interest in development in the Oread neighborhood without having tools in place to keep areas they want to stay low and medium density lowered. She would like to see staff put some teeth in that plan so that they could say an enthusiastic yes to ideas to develop the area.

Commissioner Rasmussen said he would support a similar type of amendment to RM24, RMG, and RMO zoning districts at some point in the future because all of those areas are also designated as high density areas in the city.

Commissioner Singleton asked that her earlier comments be cut and paste here for easier reading for the City Commission:

Commissioner Singleton said her thoughts regarding the changes that needed to happen to the text amendment were that they needed to respect the neighborhoods designation of what the density levels were going to be, look at properties that have been condemned, blight, and abandoned structures, and limit it to the multi-dwelling units that are already in place at this time.

Commissioner Liese said he would support the good work that would be done as a result but hoped it did not create a tipping point.

Commissioner Hird said if there was a pending application or project that had some bearing on this he was disappointed that it was not included in this somehow and that he would want to know more about that. He said Commissioner Burger brought up a good point about social consequences that he hadn't even thought of. If there are better developments of studio, one, and two bedroom units instead of 4 bedroom units with one kitchen, there might be a more responsible clientele in the Oread neighborhood. He felt this was a relatively simple text amendment in terms of measurement of density and he did not share all the fears of unintended consequences. He said he would probably support the motion.

Motion carried 6-3, with Commissioners Harris, Liese, Singleton voting in opposition.

PC Minutes 12/13/10 **DRAFT**

**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.*

STAFF PRESENTATION

Mr. Scott McCullough presented the item.

Commissioner Finkeldei asked if ADA was required then why put it in the Development Code.

Mr. McCullough said it would apply from the Building Code standpoint. It was of a practical nature and good to get it in the Development Code as a starting point for the development community. He said it would provide upfront notice to an applicant of congregate living that ADA accessibility may be an issue.

Commissioner Rasmussen inquired about the accessibility requirements of the Fair Housing Act in the International Building Code.

Mr. McCullough said it would depend on the project but the requirements include an accessible route for all elements of the residence, which include sleeping, living, eating, and dining areas. He said there could be exceptions such as historic structures or topography.

Commissioner Harris asked how the parking standards for boarding houses as proposed compare with multi-family structures.

Mr. McCullough said they would be the same, one space per bedroom, unless it was a large structure on a small lot, they both have the same reduction down to .5.

Commissioner Finkeldei said the Lawrence Preservation Alliance letter suggested limiting the height of the house.

Mr. McCullough said staff had not looked at that issue. He said staff tried to keep it simple per the direction of City Commission.

PUBLIC HEARING

Mr. Dennis Brown, President of Lawrence Preservation Alliance, was pleased about limitations on expansion and liked the 20%. He stated the language regarding the building footprint included covered decks, patios, and porches. He was in favor of just using the language of roofed porches and striking decks and patios. He felt the height expansion should be no greater than the original structure. He said regarding parking he felt .5 parking spaces was less restricted than the current .75 parking spaces per bedroom. He proposed tiered parking standards.

Ms. Rose Moore expressed concern about increased parking. She said the assumption that everyone has a car was not true.

Ms. Gwen Klingenberg, Lawrence Association of Neighborhoods, said over 20 neighborhoods supported their recommended conditions.

Ms. Marci Francisco, 1101 Ohio St, said the wording on the limits on expansion was confusing and felt they should clarify the 20% footprint. She felt they should leave the parking requirement at .75 per bedroom for larger structures for now, until overlay districts were created. She said there were built-in incentives for structures over 3,500 square feet which made them immediately more valuable

Mr. McCullough said he interpreted it that the footprint could expand 20%, not the structure.

Commissioner Finkeldei said he thought they wanted to incentivize redevelopment of the 3,500 square foot and larger houses because those were the ones that needed the work and could not otherwise be saved.

Ms. Francisco said over the years there have been people who have redeveloped houses and it was not a problem. She said now people are allowed to do that for apartments as well as boarding houses. It would reduce the amount of spaces for that size of a house to redevelop into apartments.

Ms. Fadila Boumaza said she opposed additional requirements and rules because no application takes less than 9 months. She said this issue has been worked on for months due to the shifting goals which was keeping the issue alive and difficult to resolve. She felt they needed to better define the goal and focus on a solution. She said at this point the text amendment would only benefit large structures being restored or renovated and that large structures needed to be financially feasible to make repairs and restore. She said the Oread neighborhood was also full of small houses mid-size homes and the text amendment should address those structures as well. She said essentially it would wipe out the ability to renovate small structures. She felt the ADA parking and trash requirements were too restrictive.

Ms. Candice Davis she said she would like to see a variety of housing, resident, and renter opportunities and felt that the lower parking standard would incentivize a boarding house. She said she was currently renovating a large house and that it could be done without spending a fortune. She felt the .75 parking space was reasonable for large homes. She said she supported the one parking space per bedroom.

Ms. Beth Reiber said she wanted to preserve the neighborhood and preserve small homes so they might revert back to single-family. She liked the changes that were made for the larger homes.

Mr. Tony Backus asked if the ADA compliance was required for duplexes and fourplexes in the neighborhood.

Mr. McCullough said he thought it took four units worth of residential intensity to kick in the ADA compliance.

Mr. Backus asked how many parking spaces on average could be in one of the 117 foot lots.

Mr. McCullough said typically it was about five spaces in the 50 feet.

Mr. Rick Hupper asked if this was approved would that mean every house that had more than four units in the Oread district had to retrofit their house for ADA compliance.

Mr. McCullough said it would be based on a change of occupancy, use, or building permit application.

Ms. Debbie Milks, 945 Ohio, thanked and supported staff for their work on this. She said she liked the grid with all the houses and changes on it.

Ms. Rose Moore said that renovated houses have had a positive impact to the neighborhood.

COMMISSION DISCUSSION

Commissioner Finkeldei said he was always leery of adding language in that was already the law. He asked if it was the City's position that Fair Housing Act and International Building Code applied to congregate living.

Mr. McCullough said yes.

Commissioner Finkeldei said he would support the text amendment because the current rules for congregate living are unlimited and he felt this was a good compromise in preserving small homes for single-family. He felt they should incentivize saving larger houses and without giving that incentive the houses tend to continue to go down in value. He felt it was good to apply the same rules to apartments that were applied to congregate living. He felt it was important to have non-conforming use language.

Commissioner Rasmussen inquired about the added language for the Fair Housing Act in the International Building Code and if it applied to multi-unit residential.

Mr. McCullough said multi-unit residential was an apartment building and congregate living was a single structure with more than four unrelated people in it. He said they were two different uses in the Zoning Code.

Commissioner Rasmussen asked if it would also apply to dormitory, scholarship halls, fraternity, and sorority houses.

Mr. McCullough said he would have to review the Building Code.

Commissioner Rasmussen said he could probably support the text amendment. He felt the congregate living houses were more like scholarship halls, fraternity, or sorority houses and he did not think the parking requirements should be any different than those. He said regarding the 20% expansion, a home could already expand upward as long as it did not exceed height restrictions in the neighborhood and he did not think that should be looked at here. He felt it was clear how it was calculated.

Commissioner Harris asked Commissioner Finkeldei about the language for calculating the expansion and what he thought about the Lawrence Preservation Alliance suggested language.

Commissioner Finkeldei said the December 13 letter suggested the height of a building expansion shall not be greater than the height of the original structure. He said his concern was if a dormer was added that was one foot high. He said he might be able to support the language in their November 9 letter.

Commissioner Harris said overall she liked the changes in the amendment. She would like to see some changes to the expansion language more in line with the Lawrence Preservation Alliance

suggested language. She did not think patios and outside structures without roofs should be included as part of the building footprint. She said regarding parking she thought it would be nice if the parking requirement was .75 or 1.5 for every two but she could live with .5 if the requirement of 1 per 1 was kept for the small dwellings.

Commissioner Finkeldei asked if story was a defined term.

Mr. McCullough said the quick reference table uses maximum height as the development standard for height. He said stories could vary in height.

Commissioner Rasmussen said he would support removing the proposed language about the Fair Housing Act in the International Building Code because it was redundant to restate something that already applied.

Commissioner Finkeldei said it would be helpful to have a memo from the City Legal Department stating that this was the City's opinion that they apply to congregate living.

ACTION TAKEN

Motioned by Commissioner Finkeldei, seconded by Commissioner Rasmussen, to approve text amendment, TA-6-17-09, 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, based on the staff report as drafted and forward to City Commission for approval.

Commissioner Hird said he hoped City Commission would look at Federal Laws. He hoped they would not see major height additions and felt City Commission should take note. He felt the parking was a compromise. He said he would support the motion.

Commissioner Harris said she would reluctantly vote against the motion. She said she could vote in favor if the language on expansion were different than what was written in the plan. She also felt patios and decks should not be considered part of the building footprint.

Mr. McCullough said the proposed language would include roofed decks, roofed patios, and roofed porches.

Commissioner Singleton said she appreciated staff putting in the non-conforming structure. She would also like the City to consider designating an onsite contact person.

Motion carried 8-1, with Commissioner Harris voting in opposition.

PC Minutes 12/13/10 **DRAFT**

**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.*

Item 5 was deferred prior to the meeting.

PC Minutes 12/13/10 **DRAFT**

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.

Item 6 was deferred prior to the meeting.

PC Minutes 12/13/10 **DRAFT**
MISCELLANEOUS NEW OR OLD BUSINESS

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

Motioned by Commissioner Singleton, seconded by Commissioner Harris, to initiate the rezoning of 1820 E 1450 Rd from the Lawrence UR (Urban Reserve) District to Douglas County "A" Agriculture District.

Unanimously approved 9-0.

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

Motioned by Commissioner Singleton, seconded by Commissioner Harris, to initiate the rezoning of 315 Perry Street, 309 Perry Street, and 528 N. 3rd Street from IG (General Industrial) District to RS7 (Single-Dwelling Residential) District.

Unanimously approved 9-0.

Consideration of any other business to come before the Commission.

Commissioner Finkeldei asked if Planning Commission would see the Dillons project on Massachusetts Street.

Mr. McCullough said no, it would be reviewed through Historic Resources Commission, Board of Zoning Appeals, and an Administrative Site Plan.

Commissioner Rasmussen inquired about including in public notices that Planning Commission meetings would end by midnight.

Mr. McCullough said that was up to the Planning Commission to consider.

Mr. John Miller said if they would like to consider that he would recommend a By-Law amendment.

Commissioner Harris said in the past they have had meetings till 1:00am because developers really wanted an item to keep moving in the process.

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	Historic Preservation & H2020 – Chapter 11 Update		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> <i>2010 Census Data</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				



PLANNING COMMISSION REPORT
Non-Public Hearing Item

PC Staff Report
1/24/11

ITEM NO. 1 FINAL DEVELOPMENT PLAN FOR CROSSGATE DRIVE CASITAS; 4.6 ACRES; 4700 W 6TH ST (SLD)

FDP-11-11-10: Consider a Final Development Plan for Crossgate Drive Casitas, located at 2451 Crossgate Drive, for a 46 unit Multi Dwelling Residential development on approximately 4.6 acres. Submitted by BG Consultants, Inc., for Fairway L.C, property owner of record.

STAFF RECOMMENDATION: Planning staff recommends approval of the Final Development Plan based upon the findings of fact presented in the body of the Staff Report subject to the following conditions:

1. Provision of a revised drawing to show deed book and page reference for dedication of additional easements associated with this project (general note 9), prior to recording of the Final Development Plan.
2. Provision of a photometric plan and applicable details per minimum lighting standards per planning staff approval prior to recording of the Final Development Plan.

Reason for Request: The Final Development Plan serves as a site plan for the proposed residential development.

ATTACHMENTS

1. Final Development Plan
2. Area Map

KEY POINTS

- Plan complies with approved Preliminary Development Plan for multi dwelling development.

FACTORS TO CONSIDER

- Consistency with approved Preliminary Development Plan, PDP-9-3-10.
- Consistency with Article 10 of the 1966 Zoning Code.

ASSOCIATED CASES/OTHER ACTION REQUIRED

- PDP-9-3-10 approved by the City Commission on 11/30/10.
- Recording of Final Development Plan with Register of Deeds Office.
- Public improvement plans currently being reviewed.
- Approval of a local Floodplain Development Permit (FP-9-17-10).
- City Commission directed special study plan.

PLANS AND STUDIES REQUIRED

- *Traffic Study* – See Preliminary Development Plan.
- *Downstream Sanitary Sewer Analysis* – See Preliminary Development Plan.
- *Drainage Study* – See Preliminary Development Plan.
- *Commercial Design Guidelines* – Not applicable to this project.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

None received

GENERAL INFORMATION

Current Zoning and Land Use: PRD-[Wyndam Place] (Planned Residential Development) and FP Overlay District; undeveloped lot.

Surrounding Zoning: RSO (Single-Dwelling Residential-Office) Districts to the north; undeveloped lot.

PRD-[Legends at KU] (Planned Residential Development) to the west. Apartment Complex.

PRD-[Wyndam Place] (Planned Residential Development) to the south. Apartment Complex.

PUD-[Four Seasons] (Planned Unit Development Overlay) to the east. Existing mixed density residential neighborhood.

Site Summary: Bauer Farm – Residential; Phase 4 FDP	
Number of Lots:	1
Total Area:	4.6 acres
Dwelling Units:	46 units (1 bedroom units)
Off-Street Parking Required:	The parking requirement for this PRD (1966 code) is: 1.5 spaces per bedroom or a total of 71 required spaces. Parking reduction approved with Preliminary Development Plan.
Off-Street Parking Provided:	The parking requirement for this project per the 2006 development code is: 1 space per bedroom + 1 space per 10 units 1 space per 300 SF office use A total of 57 spaces are provided for this development.

Open Space and density calculations:		
Residential Area:	4.6 acres (200,642 SF)	
Dwelling units overall:	46 dwelling units	
Density Provided	10 dwelling units per acre	
Density Permitted	10 dwelling units per acre permitted per Ordinance 7169	
Open Space Required:	20% of the land for residential use per 20-1006 (g) .92 acres (40,128 sq ft) required <i>[20% of 4.6 acres]</i>	
Open Space Provided:	134,944 SF 36,320 SF 22,870 SF 75,754 SF 98,624 SF	Total pervious space for site Drainage Easement (DE) Disk Golf area/recreational space Yard/Patio areas throughout development 49% open space excluding DE

STAFF ANALYSIS

The request is for a single phase, multi-dwelling apartment complex. The project includes 46 1-bedroom apartments, a leasing office, and surface parking. The property is located on the west side of Crossgate Drive and east of an existing drainage way separating the property from the remainder of the neighborhood to the west. Crossgate Drive is a collector street separating the property from the residential development to the east.

Reductions in setbacks and parking were approved as part of the Preliminary Development Plan for this property. The approved reductions are as follows:

- Reduce peripheral setback from 35' to 10' along the north property line.
- Reduce side yard setback from 10' to 5' along the south property line.
- Reduce parking stall requirements from 71 spaces to 57 spaces.

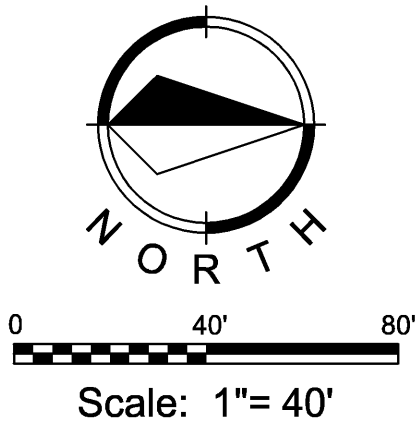
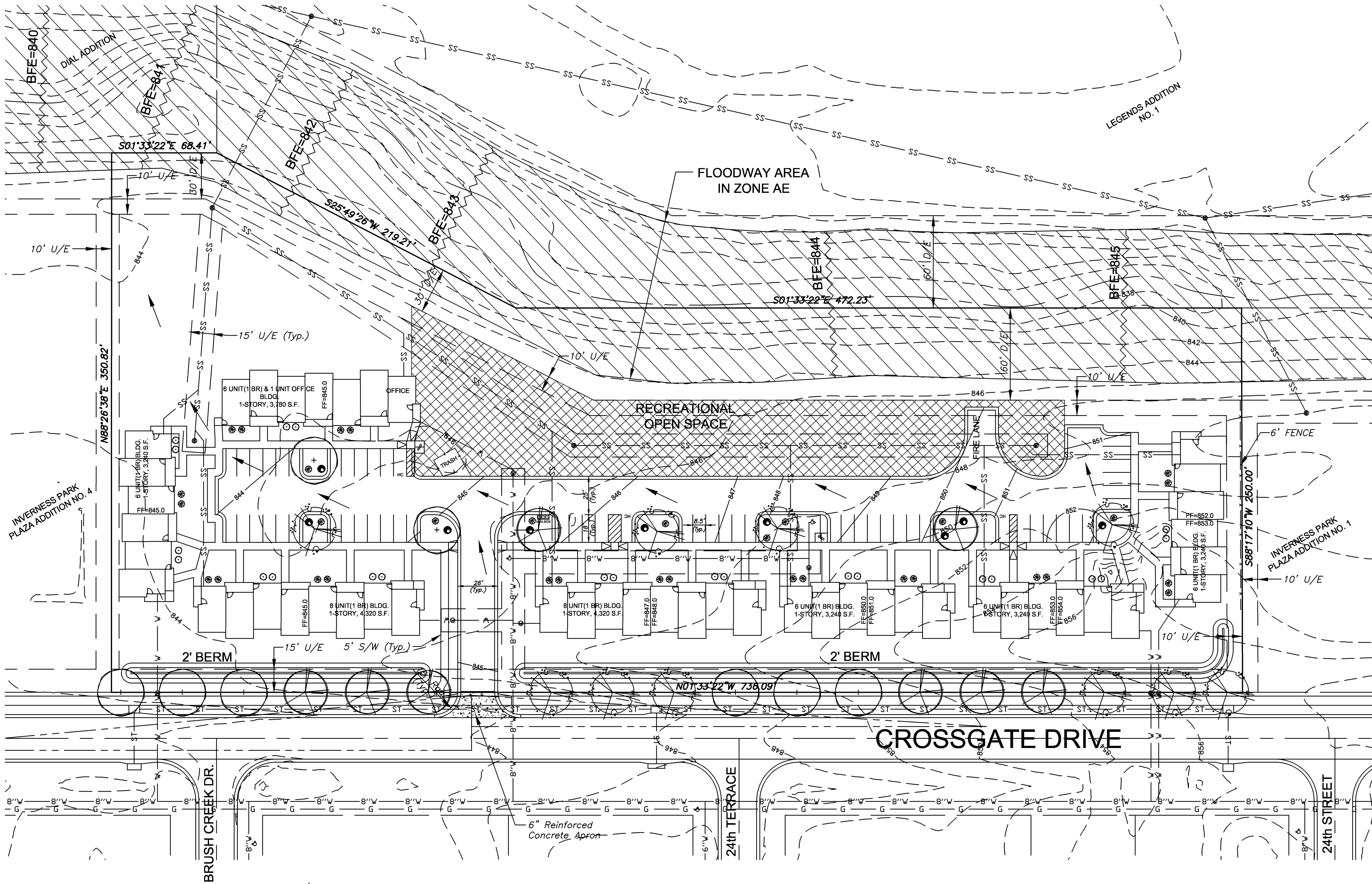
Water and Sanitary sewer service will be extended to serve this property. Public improvement plans have been submitted to staff for review.

The Preliminary Development Plan was approved by the Planning Commission November 15, 2010 and the City Commission on November 30, 2010. This proposed Final Development Plan is consistent with the approval granted for the Preliminary Development Plan.

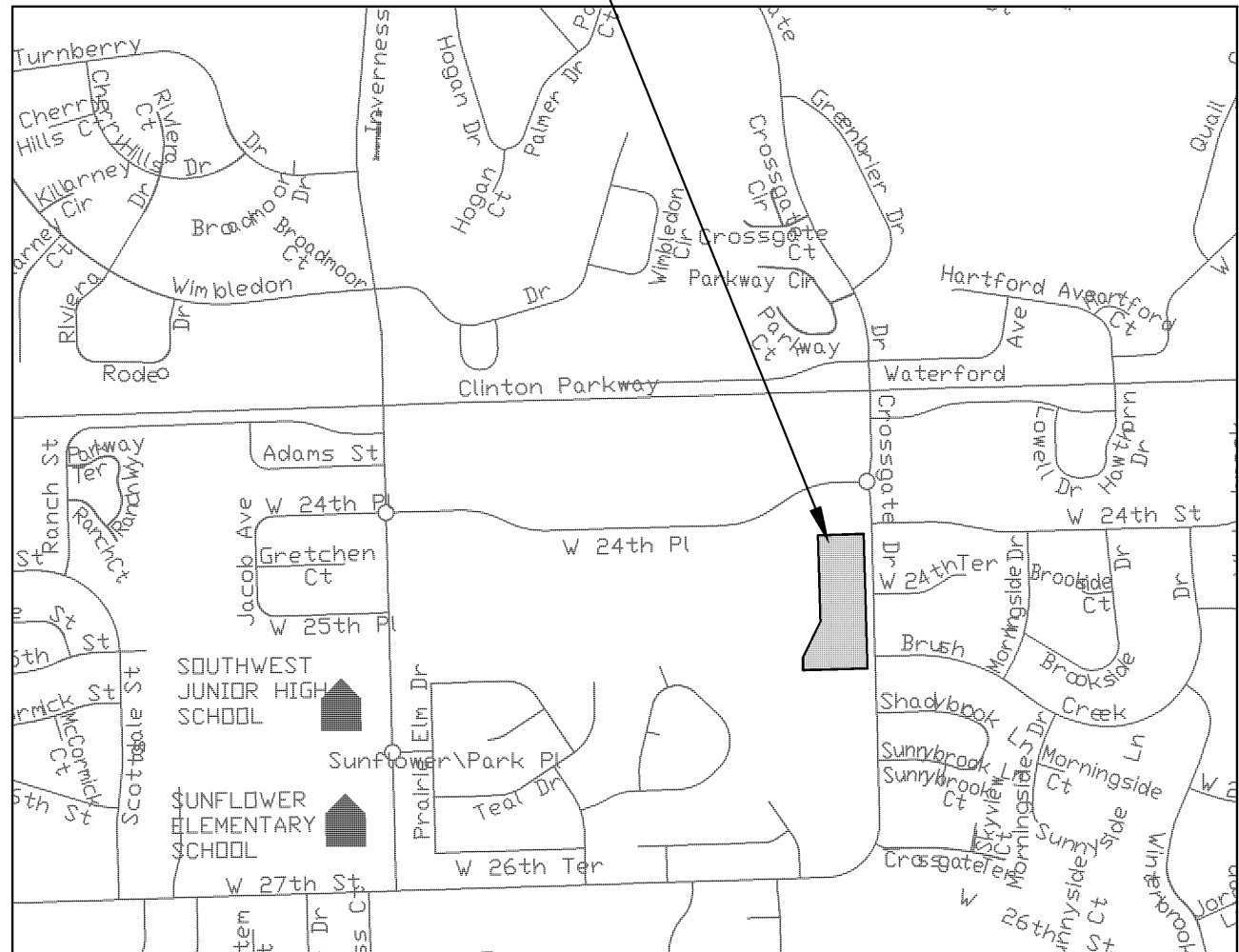
A photometric plan must be submitted and shall conform to the minimum lighting standards of the 1966 Development Code. A point by point plan and details of the lighting fixtures are required. Lighting shall be shielded with a full cut-off and lighting shall be directed downward. This documentation is reflected as a condition of approval.

CONCLUSION:

This Final Development Plan complies with the approved density planned for the property per Ordinance 7160 approved in 1999. This Final Development Plan conforms to the design standards of the applicable development code and the approved Preliminary Development Plan.



PROJECT LOCATION



LOCATION MAP

COMMON NAME	SCIENTIFIC NAME	SYMBOL	SIZE	QTY	MATURE HT.
KNOCK OUT ROSE	ROSA 'RADRAZZ'		2 GALLON 24" HIGH(min.)	22	4'
BURNING BUSH	EUONYMUS ALATUS 'TIMBER CREEK'		2 GALLON 24" HIGH(min.)	33	10'
ANTHONY WATERER SPIREA	SPIRAEA X BUMALDA 'ANTHONY WATERER'		2 GALLON 24" HIGH(min.)	9	3'
RED SUNSET MAPLE	ACER RUBRUM 'RED SUNSET'		2.5" CALIPER	10	50'
LACEBARK ELM	ULMUS PARVIFOLIA 'LACEBARK'		2.5" CALIPER	8	50'
THORNLESS HONEYLOCUST	GLEDITSIA TRICANTHOS 'INERMIS'		2.5" CALIPER	8	75'

OWNER & APPLICANT

FAIRWAY L.C.
5200 W. 15th, SUITE 303
LAWRENCE, KS 66049
785.841.9933

ENGINEER

DAVID J. HAMBY, P.E. (KS #15594)
BG CONSULTANTS, INC.
1405 WAKARUSA DRIVE
LAWRENCE, KS 66049
785.743.4474

LEGAL DESCRIPTION

LOT 1, BLOCK ONE, INVERNESS PARK PLAZA ADDITION NO. 4, A REPLAT OF LOTS 1 AND 2, BLOCK 1, INVERNESS PARK PLAZA ADDITION NO. 3 IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS.

BENCHMARK

BM #100 – SQUARE CUT ON THE NORTH HEADWALL OF THE RCB UNDER 24TH PLACE. ELEV. = 854.60

FLOODPLAIN DATA

THE SUBJECT PROPERTY IS LOCATED WITHIN THE 100 YEAR FLOODPLAIN. RE: THE FEDERAL EMERGENCY MANAGEMENT AGENCY FEDERAL INSURANCE ADMINISTRATION PUBLICATIONS: FLOOD INSURANCE RATE MAP, MAP NUMBER 20045C0158D, EFFECTIVE DATE AUGUST 5, 2010.

GENERAL NOTES

1. TOPOGRAPHIC INFORMATION SHOWN HEREON WAS DERIVED FROM THE CITY OF LAWRENCE AERIAL PHOTO.
2. THIS DOCUMENT IS FOR PLAN APPROVAL NOT FOR CONSTRUCTION.
3. CITY OF LAWRENCE SHALL NOT BE RESPONSIBLE FOR PAVEMENT DAMAGE DUE TO THE WEIGHT OF REFUSE COLLECTION VEHICLES.
4. THIS SITE PLAN HAS BEEN DESIGNED TO COMPLY WITH THE MINIMUM PROVISIONS OF THE AMERICANS WITH DISABILITIES ACT ACCESSIBILITY GUIDELINES (ADAAG) FOR BUILDINGS AND FACILITIES, APPENDIX A TO 28 CFR PART 36.
5. THE RESIDENTIAL BUILDINGS HAVE BEEN DESIGNED TO COMPLY WITH THE MINIMUM PROVISIONS OF THE FINAL FAIR HOUSING ACCESSIBILITY GUIDELINES, 24 CFR, CHAPTER 1, SUBCHAPTER A, APPENDIX II, OF THE FAIR HOUSING ACT OF 1968, AS AMENDED.
6. THE EXISTING ZONING OF THE PROPERTY IS PD (WYNDAM PLACE SENIOR RESIDENCE).
7. THE PARKING AREAS WILL BE SURFACED WITH 5" THICK BITUMINOUS SURFACING. THE DRIVEWAY APRON WILL BE BUILT TO CITY STANDARDS WITH 6" REINFORCED CONCRETE. SIDEWALKS WILL BE 4" THICK CONCRETE.
8. PARKING STALLS MEASURE 8.5' WIDE BY 18' DEEP. THE DRIVEWAY AISLES MEASURE 24' WIDE. HANDICAP ACCESSIBLE STALLS HAVE AN ACCESS AISLE THAT MEASURES 5' WIDE AND VAN ACCESSIBLE HANDICAP STALLS HAVE AN ACCESS AISLE THAT MEASURES 8.5' WIDE.
9. A 15' UTILITY EASEMENT WILL BE DEDICATED FOR THE PROPOSED SANITARY SEWER LINES AND THE PROPOSED WATER LINES.
10. A STORMWATER POLLUTION PREVENTION PLAN WILL BE PROVIDED TO THE CITY PRIOR TO THE RELEASE OF BUILDING PERMITS.
11. MECHANICAL EQUIPMENT AND TRASH ENCLOSURES WILL BE SCREENED ACCORDING TO LAWRENCE DEVELOPMENT CODE SECTION 20-14A04.8 (1966 CODE).
12. ALL STORM SEWER PIPES WILL BE INSTALLED WITH END SECTIONS.
13. PER 2006 IFC SECTION 508.5.5 A 3 FOOT CLEAR SPACE SHALL BE MAINTAINED AROUND THE CIRCUMFERENCE OF FIRE HYDRANTS.
14. PER 2006 IFC SECTION 508.5.4 POSTS, FENCES, VEHICLES, GROWTH, STORAGE OR OTHER MATERIALS SHALL NOT BE PLACED OR KEPT NEAR FIRE HYDRANTS, FIRE DEPARTMENT CONNECTIONS, OR FIRE PROTECTION SYSTEM CONTROL VALVES IN A MANNER THAT WOULD PREVENT THESE ITEMS FROM BEING IMMEDIATELY DISCERNABLE OR PREVENTING IMMEDIATE ACCESS.
15. THE SITE PLAN HAS BEEN DESIGNED AS A SINGLE OWNER PROJECT AND IS NOT DESIGNED FOR INDIVIDUAL OWNERSHIP OF UNITS. THE PROPERTY OWNER IS RESPONSIBLE FOR MAINTENANCE OF THE UNITS AND PROPERTY.
16. THE PROPOSED UTILITY EASEMENTS SHOWN ALONG WITH THE RECORDING INFORMATION HAVE BEEN SHOWN ON THE PUBLIC IMPROVEMENT PLANS FOR THE PROJECT.
17. THE DRAINAGE EASEMENT WILL REMAIN FREE OF ANY NATURAL OR NON-NATURAL STRUCTURES OR VEGETATIVE BARRIERS (INCLUDING BUT NOT LIMITED TO TREES, SHRUBBERY, BERMS, FENCES AND WALLS).
18. A FENCE ALONG CROSSGATE DRIVE (FRONTING THE PROPERTY) SHALL BE PROHIBITED TO MAINTAIN MINIMUM FIRE ACCESS.

BUILDING INFORMATION

8 UNIT (1 BEDROOM) ATTACHED DWELLING – 2 TOTAL (4,320 S.F. FLOOR AREA EACH)
6 UNIT (1 BEDROOM) ATTACHED DWELLING – 4 TOTAL (3,240 S.F. FLOOR AREA EACH)
6 UNIT (1 BEDROOM)-OFFICE UNIT – 1 TOTAL (3,780 S.F. FLOOR AREA)

PARKING DATA

1966 CODE	2006 CODE
71 REQUIRED STALLS (46 UNITS)	53 REQUIRED STALLS (46 UNITS)
46 UNITS - 1.5 PER BR = 69 REQUIRED	46 UNITS - 1 PER BR+1 PER 10 = 51 REQUIRED
OFFICE - 1 PER 300 SF = 2 REQUIRED	OFFICE - 1 PER 300 SF = 2 REQUIRED
57 PROVIDED STALLS (INC. 3 HC STALLS (1 VAN))	57 PROVIDED STALLS (INC. 3 HC STALLS (1 VAN))
11 REQUIRED BICYCLE PARKING SPACES	14 REQUIRED BICYCLE PARKING SPACES
REQ'D STALLS * 0.15 = 11 REQUIRED	1 PER 4 AUTO = 14 REQUIRED
14 PROVIDED BICYCLE PARKING SPACES	14 PROVIDED BICYCLE PARKING SPACES
7 BIKE SPACES PER RACK - 2 PROVIDED	7 BIKE SPACES PER RACK - 2 PROVIDED

INTERIOR PARKING LOT LANDSCAPING

57 STALLS * 40 S.F./STALL = 2,280 S.F. REQUIRED
3,948 S.F. PROVIDED

- 1 SHADE TREE AND 3 SHRUBS REQUIRED PER 10 PARKING SPACES
6 TREES AND 18 SHRUBS REQUIRED
8 TREES AND 18 SHRUBS PROVIDED FOR INTERIOR PARKING LOT LANDSCAPING

SITE CHARACTERISTICS TABLE:

EXISTING BUILDINGS	0 S.F.	PROPOSED BUILDINGS	25,380 S.F.
EXISTING PAVEMENT	0 S.F.	PROPOSED PAVEMENT	40,318 S.F.
EXISTING IMPERVIOUS	0 S.F.	PROPOSED IMPERVIOUS	65,698 S.F.
EXISTING PERVIOUS	200,642 S.F.	PROPOSED PERVIOUS	134,944 S.F.
PROPERTY AREA	200,642 S.F.		

COMMON OPEN SPACE AREA REQUIRED

200,642 S.F. * 20% = 40,128 S.F. REQUIRED
60,524 S.F. PROVIDED (DRAINAGE EASEMENT AND RECREATIONAL AREA)

RECREATIONAL OPEN SPACE AREA REQUIRED

40,128 S.F. * 50% = 20,064 S.F. REQUIRED
22,870 S.F. PROVIDED (RECREATIONAL AREA)

A DISC GOLF PRACTICE AREA WILL BE PROVIDED IN THE RECREATIONAL OPEN SPACE AREA. TWO ELEVATED METAL BASKETS WILL BE PROVIDED AT EACH END ALONG WITH A PICNIC TABLE.

ZONING AND DENSITY

THE CURRENT ZONING FOR THE PROPERTY IS PD (WYNDAM PLACE SENIOR RESIDENCE) WHICH ALLOWS A MAXIMUM DENSITY OF 10 UNITS PER ACRE. THE PROPOSED DENSITY OF THE PROJECT IS 9.99 UNITS/ACRE (46 UNITS/4.61 ACRES).

THE USES FOR THIS PROPERTY HAS BEEN RESTRICTED PER ZONING Z-4-B-8-99 AS APPROVED BY THE CITY COMMISSION.

REQUESTED WAIVERS (PER 1966 ZONING CODE)

- A REDUCTION IN PERIPHERAL SETBACK FROM 35' TO 10' (NORTH P/L).
— A REDUCTION IN SIDE YARD SETBACK FROM 10' TO 5' ALONG THE SOUTH PROPERTY LINE.
— A REDUCTION IN THE PARKING STALL REQUIREMENTS FROM 71 STALLS TO 57 STALLS.

PLANNING COMMISSION REPORT Regular Agenda

PC Staff Report
11/11/10

ITEM NO 2: VARIANCE FOR 5217 BRANCHWOOD COURT (MKM)

FDP-11-11-10: Consider a variance from the peripheral setback through a revised Final Development Plan for Foxchase Patio Homes, located at 5217 Branchwood Court. Submitted by Gary D Boyer and Lavenna R Boyer, property owners of record.

STAFF RECOMMENDATION: Planning staff recommends approval of the requested variance from the 35 ft peripheral setback required in Section 20-1007 of the pre-2006 Development Code to allow a peripheral setback of 25 ft at 5217 Branchwood Court subject to the following conditions:

1. Provision of a revised Final Development Plan which includes the following note: *"The Planning Commission approved a variance from the 35 ft peripheral setback required in Section 20-1007 of the pre-2006 Development Code to permit a 25 ft peripheral setback along the south property line of 5217 Branchwood Court as identified on the plan."*
2. The plan shall identify the location of the porch as the area for which the variance has been granted.
3. The building coverage summary revised to include the 200 sq ft porch area.

Reason for Request: To allow the property owner to convert a deck on the south side of the house to a screened porch.

KEY POINTS

- The Final Development Plan for Foxchase Patio Homes PRD was approved in 1997 under the standards of the pre-2006 Development Code. This variance request is therefore being considered under the provisions of the pre-2006 Code.
- Section 20-1007 of the pre-2006 Code required that all buildings, structures and parking areas be set back from the periphery boundary a minimum of 35 ft.
- Decks less than 30 inches were not considered 'structures' by the building code and did not require building permits; therefore, they were permitted within the peripheral setbacks. The 2006 Development Code clarifies this in Section 20-602(e)(6)(vii): *"Uncovered horizontal structures are items such as decks, stairways, entry bridges, wheelchair ramps, swimming pools, hot tubs and tennis courts that extend no more than 2.5 feet above the ground are allowed in required setbacks..."*
- The variance request is for one parcel in the development, 5217 Branchwood Court. The property owner provided a document signed by the property owners of Foxchase Patio Homes which stated they had no objections to the proposed variance.

FACTORS TO CONSIDER

Conformance with Planned Unit Development requirements in Article 10 of the pre-2006 Zoning Ordinance.

ASSOCIATED CASES/OTHER ACTION REQUIRED

- Submittal of building plans to Development Services for building permit.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

No comments were received prior to the preparation of this report.

GENERAL INFORMATION

Current Zoning and Land Use:

PRD [Foxchase Patio Homes] a Planned Residential Development District; established single-family development.

Surrounding Zoning:

RS7 (Single-Dwelling Residential) District to the west, east and south; single-family residences with a large undeveloped lot to the west which is owned by the Seventh Day Adventist Church.

UR (Urban Reserve) District to the north; single-family residence.

Site Summary:

Gross Site Area	87,861 sq ft (approximately 2 acres)
Right-of-way Area	4,661 sq ft
Net Site Area	83,200 sq ft (approximately 1.9 acres)
Building Area:	Existing 19,350 Sq. Ft. (23.3%) Proposed: 19,550 Sq. Ft. (23.5%)
Pavement Area:	Existing: 14,645 Sq. Ft. (17.6%) Proposed: 14,645 Sq. Ft. (17.6%)
Total Impervious Area:	Existing: 33,995 Sq. Ft. (40.9%) Proposed: 34,195 Sq. Ft (41.1%)

Variance Request

The conversion of the deck into a porch will result in an encroachment into the required 35 ft setback from the peripheral boundary, per Section 20-1007(E)(2) of the pre-2006 Code; therefore, a variance has been requested. The applicant plans to replace the existing 10 ft x 12 ft deck and 4 ft stairs with a 10 ft x 16 ft deck and 4 ft stairs, raised 7 inches to match the home floor level then add a sloped roof and screen the deck in. The applicant states that the project will *"significantly enhance the usability of the deck during summer months. This side of the home is south facing with no real shade. The sloped roof should make it significantly more habitable during hot, sunny days, and the screening should do the same for evening hours when mosquitoes are out."*

STAFF ANALYSIS

The Final Development Plan for Foxchase Patio Homes was approved in 1997 under the provisions of the Zoning Ordinance in effect at that time. The development was platted as Lot 1, Foxchase Patio Homes in 1998. The subject property, 5217 Branchwood Court, is a parcel which has been divided from the platted lot for ownership purposes. The property owners of 5217 Branchwood Court have a deck on the south of the house which they would like to convert into a porch. Prior to the adoption of the 2006 Development Code an interpretation was made that decks, patios, etc that were less than 2.5 feet in height were not considered 'structures' and were permitted within the required setbacks.

The peripheral setback was intended to provide a buffer between the planned development and adjacent properties. The Planned Development contains 10 dwelling units on approximately 1.9 acres, which is a density of 5.26 dwelling units per acre. The property is surrounded to the west, east and south by property that is zoned RS7. This District permits residential development with a minimum lot size of 7000 sq ft or density of 6.22 dwelling units per acre; however, the area is developed at a lower density. The area south of the Foxchase PRD is developed at a density of 3.95 dwelling units per acre (4 dwelling units on 1.01 acres) while the adjacent property on the PRD is developed at a density of 5.24 dwelling units per acre (4 dwelling units on .762 acres). The density in the area is fairly similar, with the PRD being slightly higher.

The aerial in Figure 1 shows the development pattern of the PRD and surrounding area. While Foxchase is slightly more dense than the adjacent properties, it is very similar to other development in the area. 5217 Branchwood is separated from the property to the south by a privacy fence and landscaping (Figure 2).

The 2006 Development Code does not require a setback from the periphery but does require that, for a 60 ft buffer area, the same setbacks be observed as on the adjacent property. Property within the RS7 District is required to provide a 30 ft rear yard setback. The variance requested would permit a lesser setback on the subject property, 25 ft, than in the adjacent RS7 District.

Common open space is required for Planned Developments to insure that open space is available for all residents. As the property has been divided into houses with surrounding yards, similar to residential lots, each property contains its own open space. The deck is currently located in the rear yard of the subject property; therefore, the conversion of the deck to a porch will not affect the amount of open space available.

As the deck is on the south side of the house and converting the deck to a porch will make it a more useable part of the residence, in staff's opinion there is a justification for the variance; however, there is no justification for the variance over the remainder of the rear yard. The landscaping and privacy fence to the south of the subject property should minimize any negative impact the encroachment may have on the property to the south. Based on the specific characteristics of this site, staff recommends approval of the peripheral setback to permit a 10 ft x 16 ft porch and 4 ft stairway on the parcel addressed as 5217 Branchwood Cr to encroach 10 ft into the peripheral setback as shown on the Final Development Plan. No other encroachments in the peripheral setback would be permitted with this variance.

Development Plan

The revised Final Development Plan [FDP-11-11-10] proposes the conversion of a 10 ft x 12 ft deck into a 10 ft x 16 ft enclosed porch with 4 ft wide stairs. This will result in an increased building coverage of 200 sq ft as the deck was not included in the building coverage with the final development plan. The coverage summary can be revised with a note on the face of the previously approved plan. A note indicating that the date the Planning Commission approved the variance from Section 20-1007 to permit the encroachment of the porch into the peripheral setback shall be placed on the plan.

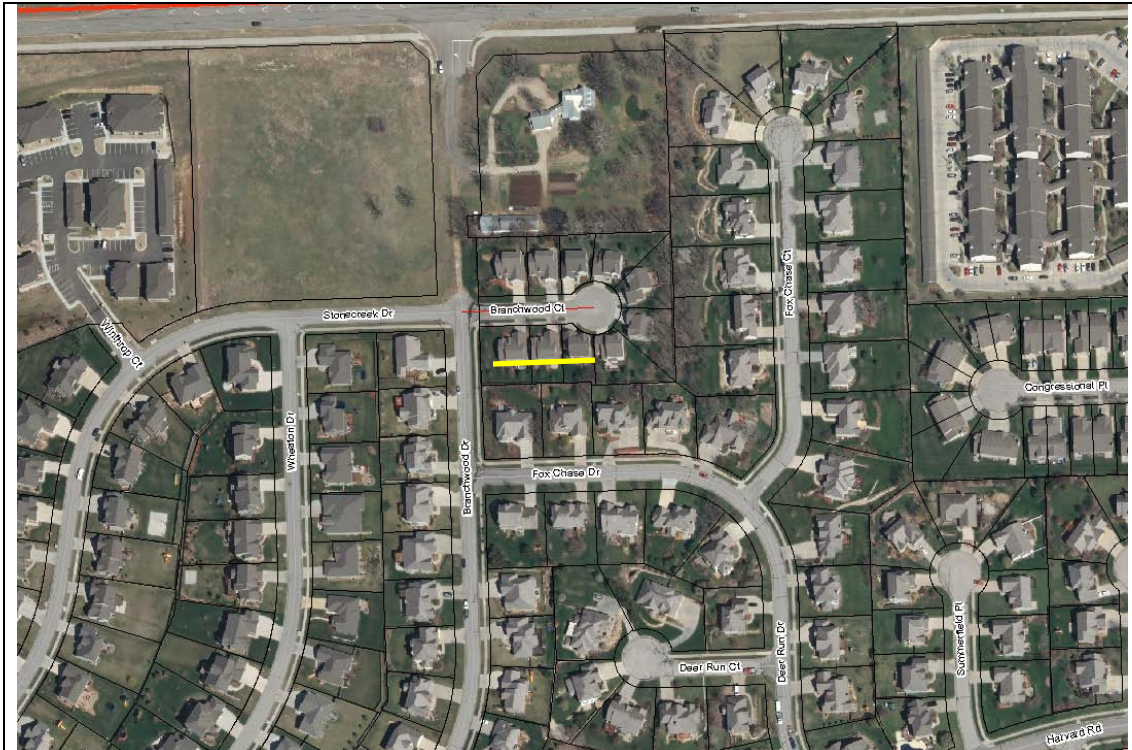


Figure 1. Development pattern of the area. Foxchase Patio Homes , located on Branchwood Ct, is similar to other development in the area, while slightly more dense than adjacent properties.

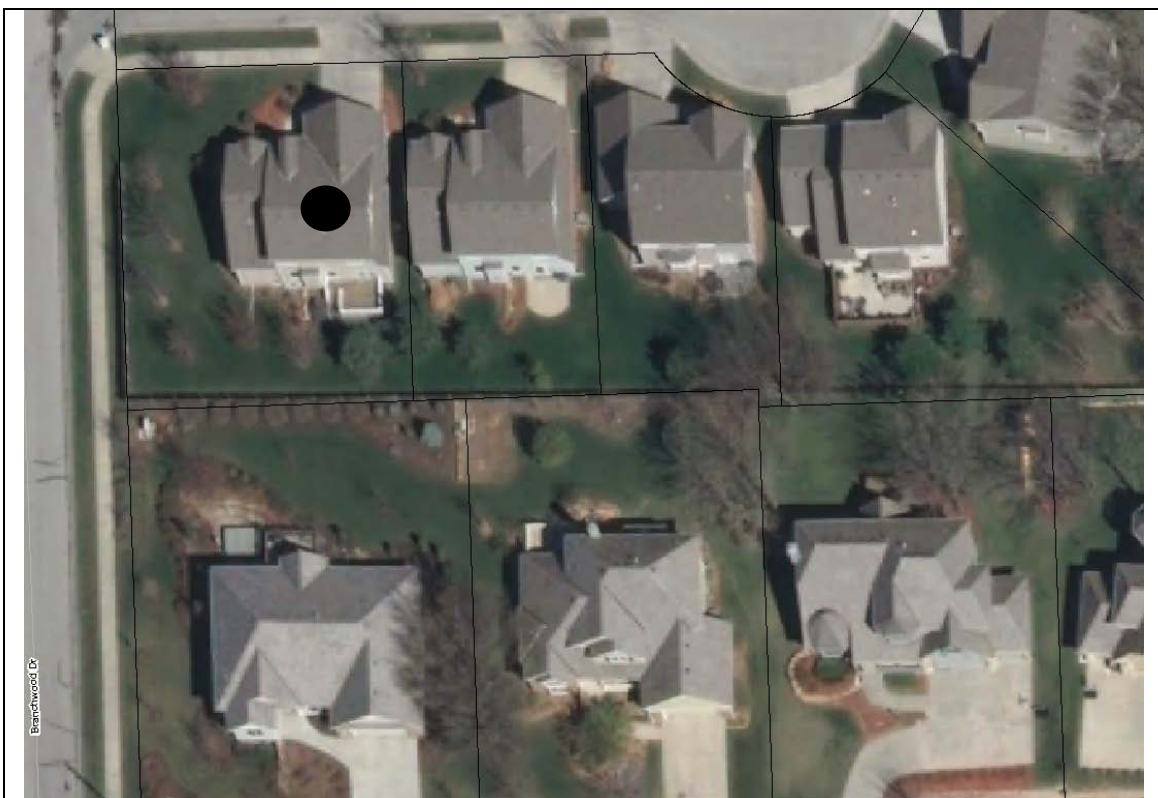
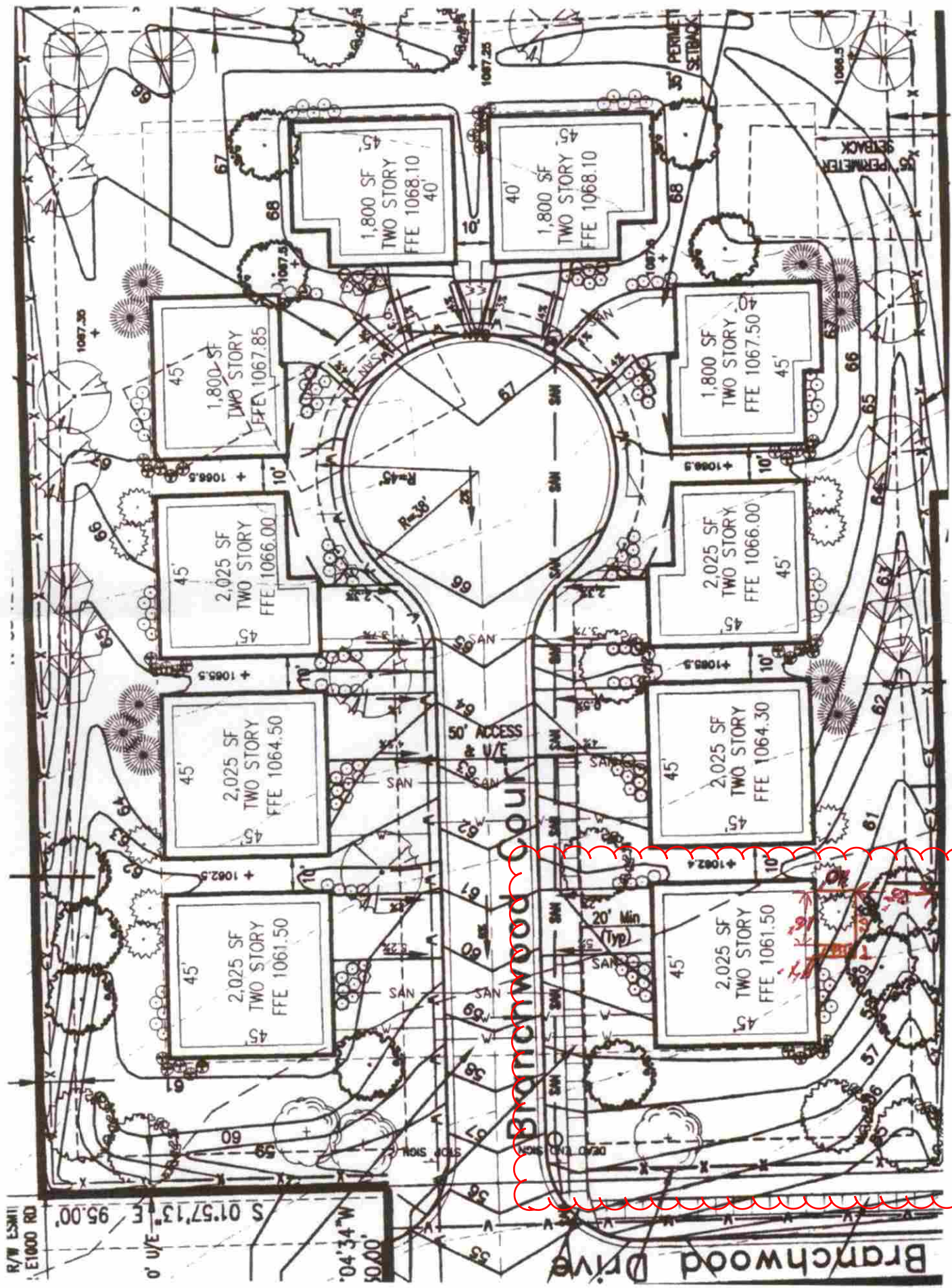


Figure 2. Landscaping in rear yards of subject property, marked with a black dot, and the property to the south.



Section A-A

Section B-B

109
108
107
106
105

1090
1080
1070
1060
1050

VERTICAL SCALE: 1"=30'
HORIZONTAL SCALE: 1"=30'

[illegible]

Ques	Ans	Ques	Ans
Ques 1	Ques 10	Ques 19	Ques 28
Ques 2	Ques 11	Ques 20	Ques 29
Ques 3	Ques 12	Ques 21	Ques 30
Ques 4	Ques 13	Ques 22	Ques 31
Ques 5	Ques 14	Ques 23	Ques 32
Ques 6	Ques 15	Ques 24	Ques 33
Ques 7	Ques 16	Ques 25	Ques 34
Ques 8	Ques 17	Ques 26	Ques 35
Ques 9	Ques 18	Ques 27	Ques 36

[illegible]

PROPERTY GROUPS & RECORDS
SERIALS, LTD.

Lawrence, Kansas

State of Oregon, County of _____
I, _____, Clerk of said Court,
do hereby certify that _____
was duly elected _____
in the year 1908.

Dated _____ A.D. 1908.
At _____ Oregon.

Clerk of Court

- LANDSCAPE ARCHITECTURE
- CIVIL ENGINEERING
- COMMUNITY PLANNING
- POWERING

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	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100	101	102	103	104	105	106	107	108	109	110	111	112	113	114	115	116	117	118	119	120	121	122	123	124	125	126	127	128	129	130	131	132	133	134	135	136	137	138	139	140	141	142	143	144	145	146	147	148	149	150	151	152	153	154	155	156	157	158	159	160	161	162	163	164	165	166	167	168	169	170	171	172	173	174	175	176	177	178	179	180	181	182	183	184	185	186	187	188	189	190	191	192	193	194	195	196	197	198	199	200	201	202	203	204	205	206	207	208	209	210	211	212	213	214	215	216	217	218	219	220	221	222	223	224	225	226	227	228	229	230	231	232	233	234	235	236	237	238	239	240	241	242	243	244	245	246	247	248	249	250	251	252	253	254	255	256	257	258	259	260	261	262	263	264	265	266	267	268	269	270	271	272	273	274	275	276	277	278	279	280	281	282	283	284	285	286	287	288	289	290	291	292	293	294	295	296	297	298	299	300	301	302	303	304	305	306	307	308	309	310	311	312	313	314	315	316	317	318	319	320	321	322	323	324	325	326	327	328	329	330	331	332	333	334	335	336	337	338	339	340	341	342	343	344	345	346	347	348	349	350	351	352	353	354	355	356	357	358	359	360	361	362	363	364	365	366	367	368	369	370	371	372	373	374	375	376	377	378	379	380	381	382	383	384	385	386	387	388	389	390	391	392	393	394	395	396	397	398	399	400	401	402	403	404	405	406	407	408	409	410	411	412	413	414	415	416	417	418	419	420	421	422	423	424	425	426	427	428	429	430	431	432	433	434	435	436	437	438	439	440	441	442	443	444	445	446	447	448	449	450	451	452	453	454	455	456	457	458	459	460	461	462	463	464	465	466
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UNCORRECTED BT:	and
DEATH BT:	and
CHECKED BT:	with
SHEET NO. / OF / SHEETS	

PLANNING COMMISSION REPORT
Regular Agenda - Public Hearing Item

PC Staff Report
1/24/11

ITEM NO. 3 RS5 TO RSO; .36 ACRES; 1701 MASSACHUSETTS ST (MJL)

Z-11-15-10: Consider a request to rezone approximately .36 acres from RS5 (Single-Dwelling Residential) to RSO (Single-Dwelling Residential-Office), located at 1701 Massachusetts Street. Submitted by Jennifer O'Driscoll, for First Church of Christ Scientists, property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of the request to rezone approximately .36 ac, from RS5 (Single-Dwelling Residential) District to RSO (Single-Dwelling Residential Office) District based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval.

Reason for Request: *Rezoning is requested in order to operate a feline only veterinary clinic in the existing building on the property.*

KEY POINTS

- The property is currently used and developed as a non-residential use (church).
- Property to the south is currently zoned RSO District and used as an office building.
- An office use is a less intensive use than a church use.
- The RSO District maintains the potential for redevelopment for single-dwelling residential uses and structures.
- The property currently acts as part of transitional area between commercial uses to the south and residential uses to the north.
- The proposal is generally in conformance with the comprehensive plan because it conforms to the transitional policies between uses.

ASSOCIATED CASES/OTHER ACTION REQUIRED

DR-11-137-10: Approved on 1/20/11 and determined it is in accordance with the *Standards for Evaluating the Effect of Projects on Environs* and *Chapter 22 of the Code of the City of Lawrence*, the standards of evaluation, staff recommends the Commission approve the proposed project and make the determination that the proposed project does not encroach upon, damage, or destroy listed historic properties and their environs with the following conditions:

1. Any changes to the approved project will be submitted to the Historic Resources Administrator prior to the commencement of any related work.

This property requires Historic Resources review because it is within the environs of the Eugene F. Goodrich House which is directly to the south and listed on the National Register of Historic Places, and the property on the northeast corner of 17th and Mass., the Edward House House which is listed on both the National Register of Historic Places and the Lawrence Register of Historic Places.

PLANS AND STUDIES REQUIRED

- *Traffic Study* – No required for rezoning.
- *Downstream Sanitary Sewer Analysis* – not required for rezoning
- *Drainage Study* – Not required for rezoning

- *Retail Market Study* – Not applicable to residential request

ATTACHMENTS

- Page Map

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- None

Project Summary:

Proposed request is for rezoning from a single-dwelling residential district to a single-dwelling residential office district to allow for the reuse of the existing vacant religious facility into a veterinary office.

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response: *The request preserves the mixed-use nature of the neighborhood and repurposes an existing structure to house a small service-oriented business utilized by neighborhood residents.*

Staff Finding – Horizon 2020, Map 3-2 identifies the subject property as low-density residential use. Horizon 2020 discusses transitions and compatibility of those uses between low-density residential and commercial uses. Currently the subject property is a nonresidential use with office uses adjacent. This is an appropriate transition between the residential uses to the north and west of the subject property and the high-density residential and commercial uses to the east and south of the subject property. The proposal is generally in conformance with the comprehensive plan because it conforms to the transitional policies between uses.

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

Current Zoning and Land Use: RS5 (Single-Dwelling Residential) District; developed as a church

Surrounding Zoning and Land Use: North: RS7 (Single-Dwelling Residential) District; single-dwelling structure

South: RSO (Single-Dwelling Residential Office) District; offices

East: RS5 (Single-Dwelling Residential) District; apartment complex

West: RS5 (Single-Dwelling Residential) District; single-dwelling structures

Staff Finding – The surrounding area of the subject property is a mix of residential, office and commercial uses. The general area to the north is a mix of residential and the general area to the south is a mix of office and commercial uses including Dillon's. See map on following page.



3. CHARACTER OF THE NEIGHBORHOOD

Applicant's Response: *The neighborhood is a mixed-use area near downtown.*

Staff Finding – The character of the surrounding neighborhood is a mix of different residential, office and commercial uses. The subject property is on the edge of the commercial area to the south generally around 19th and Massachusetts Streets.

4. PLANS FOR THE AREA OR NEIGHBORHOOD, AS REFLECTED IN ADOPTED AREA AND/OR SECTOR PLANS INCLUDING THE PROPERTY OR ADJOINING PROPERTY

Staff Finding – The subject property is adjacent to the Oread and Barker Neighborhoods but not within any formal neighborhood boundaries.

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

Applicant's Response: *The existing structure and site is very suitable for a small religious assembly and somewhat less suitable for a residence.*

Staff Finding – The subject property is currently zoned for a single-dwelling residential use and developed with a church structure. The church is a permitted use in the RS5 District in addition to a single-dwelling structure. As developed, the subject property is a permitted use. A church is permitted in all residential districts.

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

Applicant's Response: *None (Not Vacant)*

Staff Finding – The subject property has been developed as a church since the mid 1900's and has always been zoned a single-dwelling residential district.

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

Applicant's Response: *A cat clinic does not result in noise, bad odor, or high traffic. The rezoning would positively affect nearby properties by utilizing an empty structure while preserving the exterior of the building and site.*

Staff Finding – The subject property is currently developed as a nonresidential use. The proposed use, a feline veterinary office, is considered a less intensive use and has a lesser parking requirement than a religious facility. The office uses, in addition to the residential uses, would generally be less intensive and could potentially have less evening and weekend activity. Additionally, the existing building is proposed to be reused, minimizing the change in the neighborhood character. Less intensive uses, and potentially less evening and weekend activity will not detrimentally affect nearby properties.

8. THE GAIN, IF ANY, TO THE PUBLIC HEALTH, SAFETY AND WELFARE DUE TO THE DENIAL OF THE APPLICATION, AS COMPARED TO THE HARDSHIP IMPOSED UPON THE LANDOWNER, IF ANY, AS A RESULT OF DENIAL OF THE APPLICATION

Applicant's Response: *Easily accessible veterinary services improve the public health by promoting good care of pet animals that are in contact with people. Denial of the rezoning application prevents the landowner from securing a professional, long-term tenant.*

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

Staff Finding – Denial of the request will maintain the strict single-dwelling residential zoning which permits single-dwelling structures, group homes, public and civic uses, recreation facilities and religious facilities. These uses are uses that have been determined to be compatible with single-dwelling residential uses and maintain that type of neighborhood atmosphere. There would be little gain to the public health, safety and welfare if the application was denied as the proposal would permit uses that are potentially less intensive than the existing use.

9. PROFESSIONAL STAFF RECOMMENDATION

CONCLUSION

The proposal is to rezone 1701 Massachusetts St. from the RS5 District to the RSO District. The RSO District zoning permits office uses in addition to the single-dwelling residential uses. The area is a mix of residential, office, and commercial uses and the subject property is currently developed as and until recently, used for a church. This property is the end of a transitional area from the commercial district at 19th and Massachusetts Street to the residential area to the north. This proposal would be consistent with zoning and office development of the property abutting to the south. The proposal is permit the applicant to reuse the existing structure for a cat only veterinary clinic office use. Additionally, a site plan approval and Historic Resources design review (property directly to the south, Eugene F. Goodrich House, is listed on the National Register of Historic Places and property on the northeast corner of 17th and Mass., the Edward House House which is listed on both the National Register of Historic Places and the Lawrence Register of Historic Places) would need to be submitted and approved before the use can change. The proposed office use would be a less intensive use as compared to a church use and potentially would have less activity on the nights and weekends as a church would. This rezoning would offer an opportunity for reuse of the property as developed and by reusing the existing church structure, help maintain the character of the area.

STAFF RECOMMENDATION: Staff recommends approval of the request to rezone approximately .36 ac, from RS5 (Single-Dwelling Residential) District to RSO (Single-Dwelling Residential Office) District based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval.

PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item

ITEM NO. 4: UR TO A; 2.4 ACRES; 1820 N 1450 ROAD (DDW)

Z-12-17-10: Consider a request to rezone approximately 2.4 acres from City UR (Urban Reserve) District to County A (Agriculture) District, located at 1820 E 1450 Rd. Initiated by the Lawrence-Douglas County Planning Commission on December 14, 2010. Eugene Reding, property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of the rezoning request for 2.4 acres from City UR (Urban Reserve) District to County A (Agriculture) District and forwarding it to the Douglas County Board of County Commissioners with a recommendation for approval based on the findings of fact found in the body of the staff report.

REASON FOR REQUEST

The subject property was de-annexed by the Lawrence City Commission at the property owner's request on October 12, 2010. As the property is no longer within the corporate boundaries of Lawrence, the existing City zoning of UR (Urban Reserve) District is no longer valid. The property requires a County zoning district.

KEY POINTS

- The property is an existing rural residential use.
- The *Draft Northeast Sector Plan* identifies property as agriculture. The Planning Commission approved the *Northeast Sector Plan* on September 20, 2010. The Plan still needs approval from the Douglas County Board of County Commissioners and the Lawrence City Commission.
- De-annexation of property requires designation of a suitable County zoning district.
- Rezoning the property to the County A (Agriculture) District will aid the property owner in receiving a building permit for an accessory structure.

ATTACHMENTS

- Area map.

GOLDEN FACTORS TO CONSIDER

CHARACTER OF THE AREA

- The area is primarily rural/agriculture in nature, but does have county industrial uses as well as the Lawrence Municipal Airport nearby.

CONFORMANCE WITH *HORIZON 2020*

- The proposed request is consistent with land use recommendations found in *Horizon 2020* and the *Draft Northeast Sector Plan*.

ASSOCIATED CASES/OTHER ACTION REQUIRED

- No other action required.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- No comments received prior to printing.

Project Summary:

This property includes 2.4 acres as a single parcel. The property has frontage along the abutting County road, which is also US Highway 24/59. The proposed request is for rezoning the property to A (Agriculture).

GENERAL INFORMATION

Current Zoning and Land Use:	City UR (Urban Reserve) District; existing rural residential use.
Surrounding Zoning and Land Use:	To the north; A (Agricultural) District; existing farms and residence. To the south; I-2 (Light Industrial) District; existing county industrial park. To the east; A (Agricultural) District; existing field. To the west; I-2 (Light Industrial) District; existing county industrial uses.

I. ZONING AND LAND USES OF SURROUNDING PROPERTIES

Staff Finding -- The surrounding property is predominantly zoned A (Agricultural) and I-2 (Light Industrial). The area also includes an airport. Agriculture is the primary land use in the area, with some county industrial uses.

II. CHARACTER OF THE AREA

This area includes agriculture, rural residences and county industrial uses. The area also contains the corridor US 24/59 Highway which is classified as a principal arterial on the Major Thoroughfares Map.

Staff Finding -- This area is currently rural and contains farmland, rural residences, and county industrial uses, and is adjacent to a major transportation corridor.

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

The City UR District is no longer valid for the property because it was de-annexed by Lawrence. The suitability of this parcel is primarily rural residential or agriculture. The property is currently a rural residential use. Therefore the subject property is suitable for the uses permitted in the proposed zoning district.

Staff Finding -- The property is a rural residential use. The proposed zoning district is appropriate for that use.

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

The property is currently developed.

Staff Finding – The property is currently developed as a rural residential use.

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

De-annexation of the property made the City UR (Urban Reserve) District invalid. The property must be rezoned to a County zoning district. Zoning provides notice to prospective property owners of intended development. In this case, the rezoning would permit the rural residential use that currently resides on the property.

Approval of the request is consistent with *Draft Northeast Sector Plan* land use policies for the area.

Staff Finding – Rezoning the property to the A District should not adversely affect nearby properties.

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

Evaluation of these criteria includes weighing the benefits the denial of the rezoning request would provide for the public versus the hardship the denial would impose on the owner of the subject property. Benefits are measured based on the anticipated impacts of the rezoning request on the public health, safety and welfare.

This application is not a significant diversion from the existing land use and is consistent with the surrounding development and land uses in the area. If the rezoning request were denied, the property would not have a suitable zoning district because the existing City UR District is not valid due to the de-annexation of the property.

Staff Finding – Approval of this request designates the subject property a valid County zoning district.

VII. CONFORMANCE WITH THE COMPREHENSIVE PLAN

The *Draft Northeast Sector Plan* addresses development in this area. The future land use plan of the *Draft Northeast Sector Plan* classifies the subject property as "Agriculture". Section 3.3.1.1 of the Draft Plan states "The intent of the Agriculture classification is to allow for existing and future agriculture activities along with rural residential uses and other uses permitted by the Zoning Regulations of Douglas County".

STAFF REVIEW

This application is not a significant diversion from the existing land use and is consistent with land uses in the area. The suitability of the subject property for the uses to which it will be restricted is appropriate based upon the proposed zoning change.

The property owner desires to construct an accessory building on the property. He cannot obtain a building permit until the property is zoned to a County zoning district. Rezoning to the A (Agriculture) District will assist the property owner in obtaining a building permit.

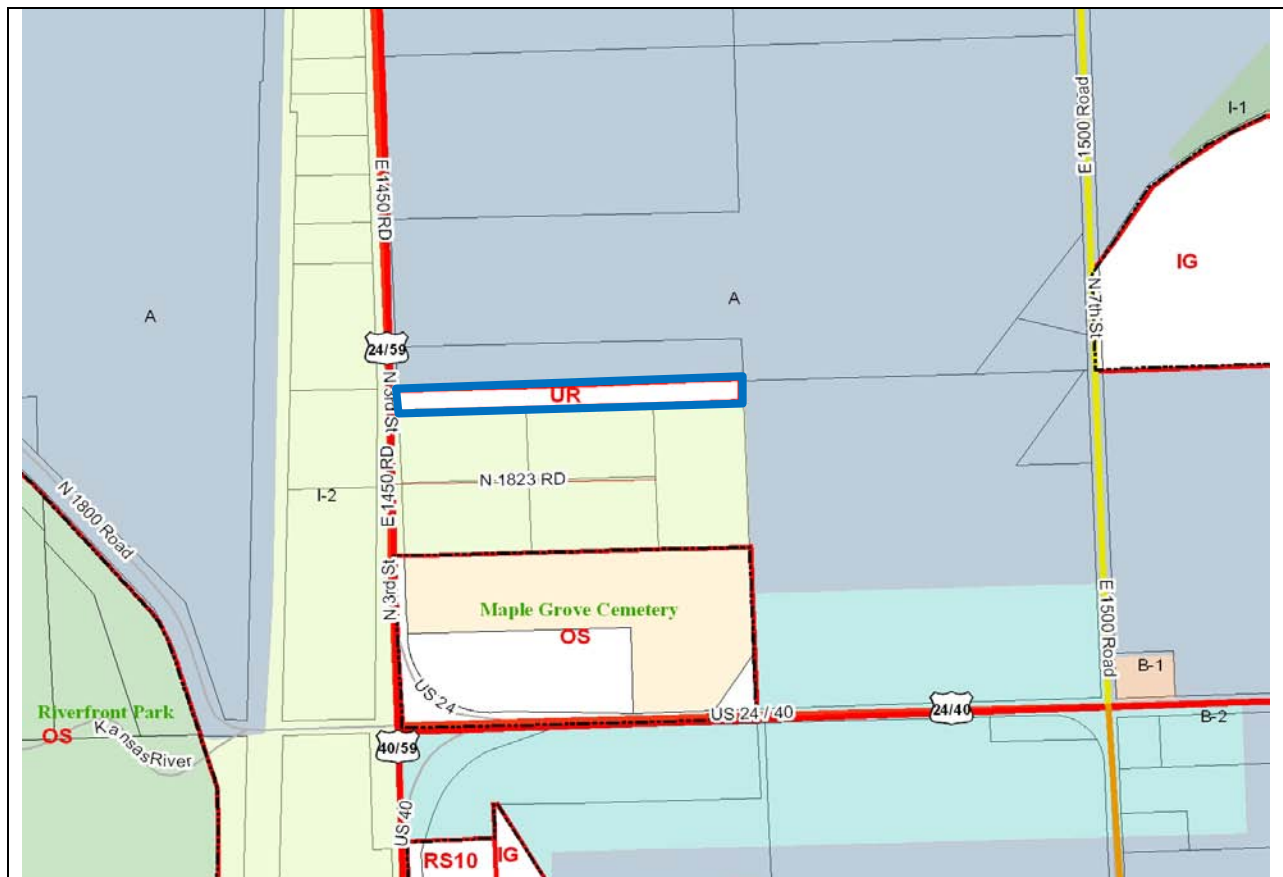
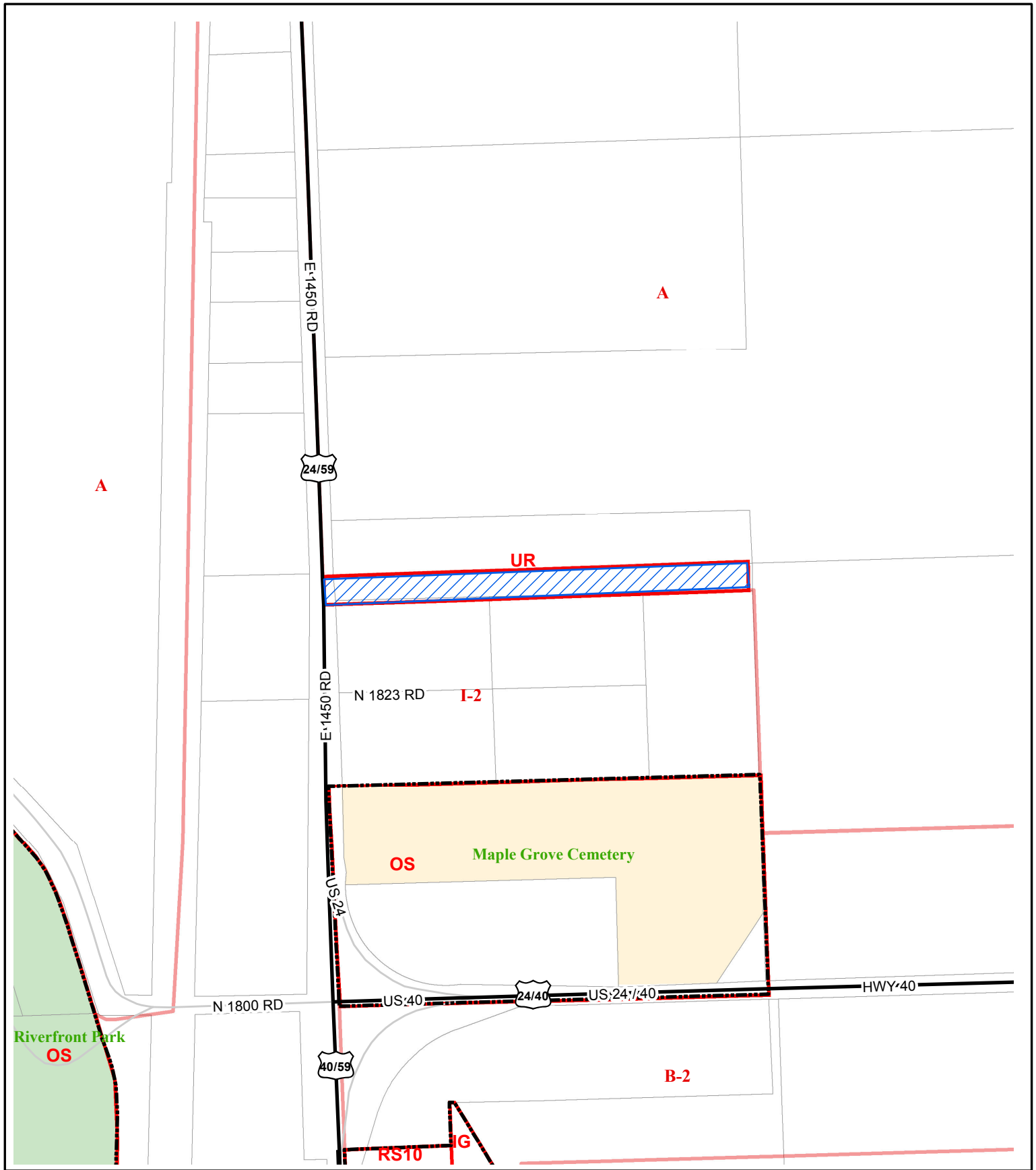


Figure x. Subject property outlined in blue. Existing City and County zoning labeled on map.

CONCLUSION


This staff report reviews the proposed location for its compliance with the Comprehensive Plan, the Golden Factors, and compatibility with surrounding development. The rezoning request is compliant with recommendations in *Horizon 2020* and the Draft *Northeast Sector Plan*.



**Z-12-17-10: Rezone 2.4 acres from UR to A
1820 East 1450 Road**

Lawrence-Douglas County Planning Office
January 2011



 Area Requested
Scale: 1 Inch = 4000 Feet

PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item

PC Staff Report

ITEM NO. 5 : **IG TO RS7; .6 acres; 315 Perry Street, 309 Perry Street, and 528 N 3rd Street (DDW)**

Z-12-18-10: Consider a request to rezone approximately .6 acres, from IG (General Industrial) District to RS7 (Single-Dwelling Residential) District, located at 315 Perry Street, 309 Perry Street and 528 N. 3rd Street. Robert Geddings, Pete Neuhaus, and Lindsey Redman, property owners of record. Initiated by the Lawrence-Douglas County Planning Commission on December 13, 2010.

STAFF RECOMMENDATION: Staff recommends:

Approval of the rezoning request for approximately .6 acres, from IG (General Industrial) District to RS7 (Single-Dwelling Residential) District and forwarding it to the City Commission with a recommendation for approval based on the findings of fact found in the body of the staff report.

REASON FOR REQUEST

The subject parcels are single-family uses in an industrial zoning district. Single-family uses are not permitted in the industrial zoning district. The request is to change the zoning to reflect the actual use of the properties and make them conforming uses under the Land Development Code.

The Planning Commission initiated the rezoning of these properties after staff contacted the property owners to gauge their interest in rezoning to a residential district. The Commission had originally directed staff to contact those properties as part of the approval process for 302 Perry Street when it was rezoned from an industrial district to a residential district in August, 2010. Staff also contacted 312 Perry Street, but was unable to secure approval from the property owner at this time.

KEY POINTS

- The Planning Commission initiated this action to rezone the properties to RS7 to make them a conforming use. The property owners agree to the rezoning.
- The properties are platted.
- The properties are within Zone X, Protected by Levee as of August 5, 2010. The properties are not located within the regulatory floodplain.
- The south side of the 200 block of Perry Street was rezoned from IG to RS7 in 2005 (Z-05-34-05).
- 302 Perry Street was rezoned to from IG to RS7 on August 10, 2010 (Z-5-6-10).

GOLDEN FACTORS TO CONSIDER

CHARACTER OF THE AREA

- The surrounding area is developed with a mixture of residential and nonresidential land uses. The immediate area surrounding the properties is developed with single-

family uses to the west, north and south. An adult day care use is located east of the subject properties.

CONFORMANCE WITH *HORIZON 2020*

- The proposed rezoning request from IG (General Industrial) District to RS7 (Single-Dwelling Residential) District is consistent with land use recommendations found in *Horizon 2020*.

ASSOCIATED CASES/OTHER ACTION REQUIRED

- City Commission approval of the rezoning request and publication of ordinance.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- No public comment received prior to printing.

GENERAL INFORMATION

Current Zoning and Land Use: IG (General Industrial) District; single family homes.

Surrounding Zoning and Land Use: To the north: RS7 (Single-Dwelling Residential) District; single family homes.

To the east: IG (General Industrial) District; adult day care use – approved through SP-9-42-09.

To the south: RS7 (Single-Dwelling Residential) District and IG (General Industrial) District; single family homes.

To the west: RS5 (Single-Dwelling Residential) District; single family homes.

Project Summary

The subject properties are single-family uses. The properties are residential uses in an industrial district, and as such, are not conforming uses under today's regulations. The Planning Commission initiated the rezoning of these properties in order to make the properties conforming uses. The property owners agree with this request. The south side of the 200 block of Perry Street was rezoned from IG to RS7 in 2005 to eliminate the non-conforming use status of those properties. 302 Perry Street was rezoned to from IG to RS7 on August 10, 2010 for the same reason.

REVIEW & DECISION-MAKING CRITERIA

CONFORMANCE WITH THE COMPREHENSIVE PLAN

The following section of *Horizon 2020* relates to this rezoning request (staff comments are in italics):

Chapter 5 – Residential Land Use:

Goal 3: Neighborhood Conservation:

The character and appearance of existing low-density residential neighborhoods should be protected and improvements made where necessary to maintain the values of property and enhance the quality of life. (Page 5-15)

Rezoning the property to RS7 would be in conformance with the Neighborhood Conservation goal in Horizon 2020.

Policy 3.2: Protect Existing Housing Stock:
(b) Preserve existing dwellings. (Page 5-15)

Staff Finding -- The proposed rezoning request conforms with the *Horizon 2020* goals and policies related to neighborhood conservation.

ZONING AND LAND USES OF NEARBY PROPERTY, INCLUDING OVERLAY ZONING

Staff Finding -- The area contains a mixture of residential and nonresidential land uses. Single-family residences are located west of the subject properties on RS5 zoned property, and north and south on RS7 zoned property. An adult day care use that has received site plan approval is located east of the properties on IG zoned property and there is one residential property zoned IG south of the subject properties.

The subject properties are not encumbered by any portion of the regulatory floodplain.

CHARACTER OF THE AREA

The immediate character of the area is most recognizable as residential with single-family homes on individual lots. The subject property abuts other single-family homes.

Staff Finding – The area contains a mixture of residential and nonresidential uses, but the immediate area is primarily single-family residential uses.

PLANS FOR THE AREA OR NEIGHBORHOOD, AS REFLECTED IN ADOPTED AREA AND/OR SECTOR PLANS INCLUDING THE PROPERTY OR ADJOINING PROPERTY

Horizon 2020 identifies future plans for the general area as appropriate for low density residential uses. A neighborhood plan was completed for North Lawrence in 1981 and an area wide drainage study was completed in January 2006.

In **Chapter 3** of the North Lawrence Neighborhood Plan, **General Goal C.** is *"To solicit and encourage the participation of North Lawrence residents and property owners in the planning, development, and maintenance of the neighborhood"*. The property owners have agreed to the initiating of this rezoning which will help to maintain the residential character of the neighborhood.

In the same chapter, Residential Objective B. states "Encourage the preservation of the structurally sound older housing stock". Staff has found that the nonconforming status has resulted in barriers to refinancing or selling homes in the industrial district.

Other goals and objects listed in the North Lawrence Neighborhood Plan also support this application.

Staff Finding – Approval of the request is consistent with land use plans for the area.

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

The subject properties are currently zoned for industrial uses. According to the Land Development Code for the City of Lawrence, the purpose of the IG (General Industrial) District is *"primarily intended to accommodate moderate- and high-impact industrial uses, including large scale or specialized industrial operations requiring good transportation Access and public facilities and services. The District is generally incompatible with residential areas and low-intensity commercial areas."*

This part of North Lawrence was platted with small lots which do not easily support industrial land uses. Further, the current zoning does not reflect the existing land use. The properties are existing single-family dwellings. The properties are also surrounded on three sides by single-family dwellings.

Staff Finding – The subject properties are not suitably zoned given the existing use of the properties and the surrounding residential land use.

LENGTH OF TIME SUBJECT PROPERTY HAS REMAINED VACANT AS ZONED

Staff Finding – The subject properties are zoned IG and have been developed as residential uses since 1900-1920.

EXTENT TO WHICH REMOVAL OF RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES

Approval of the proposed request will result in a reduction of allowed uses and increase the boundary of the RS7 district within the overall neighborhood area, which restricts land use to single-family homes on individual lots. Nearby property will not be directly affected. If approved, redevelopment of abutting lots with nonresidential zoning may be required to address screening of residential lots in the future. The uses to the north, south and west include similar existing single-family homes. The immediate property to the east is an adult day care use on IG zoned property.

Staff Finding – The impact on nearby property is one of perspective given the surrounding residential uses. Approval of the proposed change would be beneficial for those properties currently used for single-family housing in the immediate area. The proposed change provides the ability to obtain reasonable home insurance and will act as protection against encroachment of non-residential activities in the immediate area. Regulations added as a result of this rezoning would include the review and regulations applicable to any parcels used as rental housing.

THE GAIN, IF ANY, TO THE PUBLIC HEALTH, SAFETY AND WELFARE DUE TO THE DENIAL OF THE APPLICATION, AS COMPARED TO THE HARDSHIP IMPOSED UPON THE LANDOWNER, IF ANY, AS A RESULT OF DENIAL OF THE APPLICATION

Evaluation of these criteria includes weighing the benefits to the public versus the benefits of the owner of the subject property. Benefits are measured based on the anticipated impacts of the rezoning request on the public health, safety and welfare.

If the rezoning were denied, the properties would remain non-conforming as zoned for industrial uses. As the properties have a very long history as single family uses and the immediate surrounding area is predominately single-family homes, encroachment of industrial development allowed by the current zoning would not be appropriate. The residential zoning will insure that the properties will remain single family homes, which will minimize any negative impacts on the neighborhood that could occur with the industrial zoning.

Staff Finding – There would be no gain to the public and there would be a hardship to the landowner in the denial of the rezoning request. The rezoning request will assign an appropriate land use designation to the properties for the current and intended land use as a single family home.

Staff Analysis

Rezoning this property will result in the property to the south (312 Perry Street) being the only residential use left in the 300 block of Perry Street zoned as IG. Staff has contacted an agent for that property to see if the owner has an interest in having the property rezoned. At this time, the property owner is considering the rezoning request. Staff will bring that request forward if the property owner agrees to move forward.

Upon rezoning to the RS7 District, 315 Perry Street will become nonconforming to the minimum lot area, lot width, and setback requirements of the RS7 District (similar to its current status in IG), but will become a conforming use.

PROFESSIONAL STAFF RECOMMENDATION

Staff recommends approval of the rezoning to the RS7 District as it is an appropriate zoning district for the subject properties. The single-family zoning district matches the existing, and long-term, use of the properties. Therefore, this is an appropriate zoning district for these properties.



Figure 1. Base Zoning Districts in nearby area. The block rezoned to the RS-7 District in 2005, and 302 Perry rezoned to RS7 in 2010 are outlined in yellow. The properties which are the subject of this rezoning request are outlined in blue.



**Z-12-18-10: Rezone 0.6 acres from IG to RS7
309 Perry St, 315 Perry St, and 528 N 3rd St**



From: MNieder565@aol.com [mailto:MNieder565@aol.com]

Sent: Wednesday, January 19, 2011 1:50 PM

To: Dan Warner

Subject: Z-12-18-10

Dan:

After our phone conversation concerning the rezoning on Perry Street, I would like to get two homes, with a vacant lot inbetween, at 525 N. 7th & 527 N. 7th rezoned to resedential. These houses presently have no garages and am wanting to build a deattached garage for each home. However, with the present IG zoning, this is not possible. This appears to be consistent with the rezoning that is going on at Perry Street. Please let me know what steps I need to take to start this process. You may contact me by e-mail or call my cell phone (785)423-1114.

Thank you,

Mike Nieder