

Memorandum

City of Lawrence

Planning & Development Services

TO: Dave Corliss, City Manager

FROM: Lynne Braddock Zollner, Historic Resources Administrator

CC: Scott McCullough, Planning & Development Services Director
Sheila Stogsdill, Assistant Planning Director

Date: December 10, 2008

RE: Revisions to Downtown Design Guidelines

Please include the following item on the City Commission agenda for consideration at the December 16th meeting.

I. Project Description

The Downtown Design Guidelines are the district specific development and design standards for the Downtown Conservation Overlay District. This project involves a public participation strategy to update the existing Downtown Design Guidelines to include the requirements for review of Lawrence's Downtown Historic District, National Register of Historic Places, properties listed on the Lawrence, Kansas, or National registers of historic places, and sidewalk dining and hospitality areas.

II. Project History

The existing Downtown Design Guidelines were developed by a fifteen-member citizen task force appointed by the Lawrence City Commission (Resolution 6077). The Lawrence Historic Resources Commission (2/15/01) and the Lawrence/Douglas County Planning Commission (2/28/01) reviewed and recommended approval of a rezoning request to establish the Downtown Urban Conservation Overlay District. The Downtown Urban Conservation Overlay District established the enforcement mechanism for the Downtown Design Guidelines. The Lawrence City Commission approved the Downtown Urban Conservation Overlay District (Ordinance No 7395) and the associated Downtown Design Guidelines on August 28, 2001. Ordinance No 7395 and Administrative Policy (AP-82) became effective on September 5, 2001.

The City of Lawrence applied for and received a 2007 Certified Local Government Grant to hold public meetings and revise the Downtown Design Guidelines to reformat the document to be more user-friendly and address changes that have occurred in the downtown area since the adoption of the guidelines in 2001. One of the most significant changes in the downtown area was the designation of a large portion of the Downtown Conservation Overlay District as a National Register of Historic Places historic district in July of 2004. This designation allowed for contributing properties to the district to be eligible for the Federal and State Rehabilitation Tax Credit programs for rehabilitation and property maintenance. In addition, this designation placed the listed property – Lawrence's Downtown Historic District – under the protective measures of the Kansas Historic Preservation Act (K.S.A. 75-2715 – 75-2725, as amended). This act and the associated regulations, K.A.R.118-3-1 to 118-3-16, require the issuances of lease, permit, license, certificate or other entitlement for use to be reviewed by the State Historic Preservation Officer for its impact on listed

historic properties. The State Historic Preservation Officer has entered into an agreement with the City of Lawrence allowing the Lawrence Historic Resources Commission to review projects on behalf of the State Historic Preservation Officer in Lawrence.

III. Project Status

Public meetings to solicit comment for revisions to the Downtown Design Guidelines were held during the summer of 2007. Property owners, business owners, and other interested parties were invited to work with the City and the grant funded consultant, Preservation Services and Technology Group, to revise the guidelines to be more user-friendly and to include all design related information needed to develop a project in the Downtown Conservation Overlay District. Preservation Services and Technology Group used the public input and research to formulate the proposed revisions to Lawrence's Downtown Design Guidelines. The guidelines were then reviewed by staff and the State Historic Preservation Office to make sure they comply with the *Secretary of the Interior's Standards* and the *Standards and Guidelines for Evaluating the Effect of Projects on Environs*. The revised guidelines were placed on the Planning and Development Services website and the Historic Resources Commission started taking monthly public comment on the draft in May 2008. The Historic Resources Commission also held a public study session on the guidelines on May 30, 2008. The Historic Resources Commission approved the revised guidelines on September 18, 2008. The Lawrence-Douglas County Planning Commission reviewed the revised guidelines on October 20, 2008 and voted unanimously to forward to the City Commission with a recommendation for approval.

IV. Project Details

Following are significant changes proposed in the revision of the 2001 Downtown Design Guidelines.

A. Format

The original document had no numbering or identification system for the development standards and guidelines. This made it difficult for users of the document to share information or identify specific guidelines by reference. The revised document has a comprehensive numbering system as well as a glossary of terms.

B. Different Types of Reviews in the Downtown Conservation Overlay District

The original document only identified the review process for the conservation overlay district and did not include information that could impact that review such as projects for listed properties or projects within the environs of listed properties. The revised guidelines include information on all of the different design review types that may be encountered in the Downtown Conservation Overlay District. In addition, all of the design standards and guidelines in the revised document meet all of the standards and guidelines for all of the existing types of reviews in the Downtown Conservation Overlay District. This creates one document with district specific development and design standards for the Downtown Conservation Overlay District.

C. Sidewalk Dining and Hospitality Guidelines

Sidewalk dining was not included in the original design guidelines for the Downtown Conservation Overlay District. After the adoption of the conservation overlay district, the Historic Resources Commission worked with the public for several years to identify appropriate guidelines for sidewalk dining in Lawrence's downtown area. The City Commission held a public hearing on the proposed sidewalk dining guidelines and directed staff to make minor alterations in language and include the revised sidewalk dining guidelines in the revision to the Downtown Design Guidelines. On August 19, 2008 the City Commission approved Ordinance 8274 to amend Chapter 6, Article 12 of the City Code to allow for sidewalk uses including sidewalk

dining and hospitality. If the revised Downtown Design Guidelines are adopted by the City Commission, Chapter 6, Article 12 will need to be amended to reflect the new design standards.

D. Review Process

The Downtown Conservation Overlay District and the associated Downtown Design Guidelines are administered per Administrative Policy AP-82. The review of projects in the district was to be completed by staff. A Design Guidelines Certificate was to be issued prior to a building permit. If staff determined the project did not meet the Downtown Design Guidelines, an ad hoc committee of the Planning Director, Code Enforcement Manager, and the Historic Resources Administrator would review the project. Appeal from the ad hoc committee was to the City Commission. This review process did not anticipate the review process for properties listed in or in the environs of properties listed in historic registers. The review process for these projects is staff administrative approval if a project meets the standards. For projects staff can not approve, the project is forwarded to the Historic Resources Commission for review and appeal is to the City Commission. This dual system has caused much confusion and delay for property owners. The revised Downtown Design Guidelines and staff's recommended changes to Administrative Policy AP-82 would create one process for all design review applications in the Downtown Conservation Overlay District.

The adoption of the revised Downtown Design Guidelines will require the following actions:

- Text amendments to Article 3 of the Land Development Code, Chapter 20 of the Code of the City of Lawrence, to revise the UC Districts Established table and the appeals process (Planning Commission initiated on October 20, 2008);
- Changes to Administrative Policy AP-82 to reflect the new appeal process; and
- Revisions to Chapter 6 Article 12 of the Code of the City of Lawrence to reflect the design standards for the sidewalk dining and hospitality areas.

V. Project Funding

Grant funding for the revision of the Downtown Design Guidelines was provided by the Kansas State Historical Society through the Certified Local Government Program and the Historic Preservation Fund. The Historic Resources Administrator/Planner II completes the required staff level reviews. This position is located in the Planning and Development Services Department of the City.

VI. Action Request

1. Approve the revised Downtown Design Guidelines and adopt Ordinance Number 8363, if appropriate.
2. Direct staff to prepare an ordinance revising Chapter 6 Article 12 of the Code of the City of Lawrence to reflect the design standards for sidewalk dining and hospitality, if appropriate.