



City of Lawrence

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CITY COMMISSION

MAYOR
MIKE AMYX

COMMISSIONERS
ARON E. CROMWELL
LANCE M. JOHNSON
MICHAEL DEVER
ROBERT CHESTNUT

January 25, 2011

The Board of Commissioners of the City of Lawrence met in regular session at 6:35 p.m., in the City Commission Chambers in City Hall with Mayor Amyx presiding and members Chestnut, Cromwell, Dever, and Johnson present.

A. RECOGNITION/PROCLAMATION/PRESENTATION:

1. None.

B. CONSENT AGENDA

It was moved by Cromwell, seconded by Johnson, to approve the consent agenda. Motion carried unanimously.

1. Approved City Commission meeting minutes from 12/07/10 and 12/28/10.

2. Received minutes from various boards and commissions:

Hospital Board meeting of 12/15/10

3. Approved claims to 211 vendors in the amount of \$1,459,429.15.

4. Approved licenses as recommended by the City Clerk's Office.

Drinking establishment licenses to Famous Dave's, 4931 West 6th Ste: 130; and, Abe & Jakes Landing, 8 East 6th Street

5. Bid and purchase items:

- a) Authorized the City Manager to Execute an Engineering Services Agreement in the amount of \$110,601 with Professional Engineering Consultants for Design Phase Engineering Services and Property Acquisition for Project UT1003CS, 23rd Street Bridge Replacement Utilities Relocation.



- Discuss parking standards and whether current standards would accommodate a presumed potential increase in occupancy of individual units.
- Discuss whether the amendment would incentivize redevelopment and lot consolidation in the Oread neighborhood at levels and intensities not compatible with the designations in the Oread Neighborhood Plan.
- Discuss the affect of the amendment on RM32 zoned areas outside of the Oread neighborhood.

Moved by Chestnut, seconded by Cromwell, to refer Text Amendment TA-6-8-10 back to the Planning Commission to consider the issues outlined by the Planning and Development Services Director. Motion carried unanimously.

3. ***Reconsider Text Amendments, 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. Adopt on first reading, Ordinance No. 8606, for 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. This item was originally heard by Planning Commission on 12/16/09. City Commission returned this item on 2/2/10 for additional consideration. (PC Item 4; approved 8-1 on 12/13/10)***

Scott McCullough, Planning Director, presented the staff report.

Mayor Amyx called for public comment.

Dennis Brown, Lawrence Preservation Alliance, said there were two remaining concerns. There were enough neighborhood concerns to warrant requiring a contact person for the house. Second, an applicant could expand the footprint 20% then expand upward to the height limit. No public good was obtained by taking small houses off the market and making them large congregate living areas. LPA suggested not allowing more levels above the existing structure.

Kirk McClure said Old West Lawrence Neighborhood Association did not support this text amendment because of the reduction in the parking requirements for large structures. The

party house phenomenon and the congregate living situation were one and the same. Enforcement of unrelated individuals and noise issues were not effective.

Dickie Heckler asked how to deal with the additional people and vehicles. Many neighborhoods had become victims of a single family homes becoming a rental with lots of cars.

Marci Francisco said the significant points were that congregate living was a better name, that it made sense to make parking consistent with what was required for apartments, and investments of owners should be protected who already had boarding houses. The opportunities for expansion were great, so the provision against additional levels might make sense. She suggested a language change to say that "parking shall be provided at a minimum of 0.5 spaces." She said there needed to be an understanding of why the number of required spaces should be less than a fraternity or sorority house. It would be important to have benchmarks regarding the size of the structures.

Sophia Lau said that college students did share rooms, especially in nicer units. Students also did not like congregate living situations, except in sororities and fraternities. The block she lived on had six boarding homes with parking exemptions and now there were 60 cars vying for 30 parking spaces.

James Dunn said the designated contact person idea could be useful and he supported adding that to the code.

Gwen Klingenberg, Lawrence Association of Neighborhoods, said LNA supported the idea of 1 for 1 parking and protecting the larger homes in the neighborhood. The boarding house issue could happen in PD zoning also. Allowing congregated living to expand houses did not make it feasible to ever turn those homes back into single family.

A woman asked whether part of the text amendment idea could be passed, but not the entire text amendment. The City Commission should consider requiring one parking space per bedroom and additional language regarding the expansion.

Rob Farha said there were stakeholders with many different types of homes and situations and this text amendment affected everyone differently. The key point for a year and a half was parking, the 1 to 1 and a reduction for large structures. He thought this text amendment was a good compromise. The numbers seemed to work and would help save some larger properties. Protecting the properties that were site planned, sprinkled, and that were all done correctly, should be protected and not made non-conforming.

Carol Von Tersch said parking should not be drastically cut for larger structures but should go on a graduated scale.

Beth Reiber said she converted a boarding house back to single family and her concerns were smaller houses, which had been priced out of the reach of single family homes because of the boarding house potential. Accessible parking was also a concern. Visitors and parties were also a concern for parking.

A woman said the proposal was not a perfect solution but it was a compromise.

Dan Dannenberg said he supported McClure's comments particularly in the area of enforcement against party houses. He said property owners should be responsible for how tenants conduct themselves.

Caleb Morris said party houses were a problem and code enforcement with respect to nuisance houses was an issue. He said the expansion issue was a concern.

Rob Farha asked how this text amendment came about.

Scott McCullough said it was initiated by the Planning Commission with a set of text amendments.

Scott McCullough said these were minimum standards. Not every lot was going to be able to accommodate a boarding house.

Dever said he agreed that there were potential loopholes that might exist, but limiting factors on going up were cost and structural factors. He said he was in favor of some of the improvements. In general, he said he was in favor of moving forward. He said the people that

lived it this area were the types that might not have a car and this type of accommodation would suit their needs.

Cromwell said this offered an improvement but it was not perfect. He did not want to send this item back to Planning Commission at this time. He said Oread parking was complex and this was not going to solve that problem one way or another. He said concerns were expressed but this represented compromise and was good so far. He was in favor of moving forward for now.

Chestnut said there was a point of compromise where this item was going to end up. He said that congregate living had been in the neighborhood for a long time and it had always been a tension. He hoped that the City's underage hosting laws would help with the party house issue. He said he did not think these proposed regulations would not affect the law enforcement issues. He said working with stakeholders would make a better impact on those issues.

Johnson said he agreed with what has been said.

Amyx said some people had brought up the idea of a manager on site, but he thought the police would figure out who the owner was when appropriate. He said this ordinance would be a starting point.

Moved by Chestnut, seconded by Dever, to approve Text Amendment TA-6-17-09 to adopt on first reading, Ordinance No. 8606, an ordinance relating to Chapter 20, The Development Code of the City of Lawrence, Kansas of the Code of the City of Lawrence, Kansas 2011 Edition and amendments thereto; amending Chapter 20, Article 4, Sections 20-402 and 20-403; article 9, Sections 20-1701 and 20-1731; and enacting Article 5, Section 20-546 pertaining to Boarding House/Cooperatives and Congregate Living Uses by adopting and incorporating by reference the "Development Code of the City of Lawrence, Kansas, Text Amendments, January 25, 2011 Edition" prepared by the Lawrence-Douglas County Metropolitan Planning Office of the City of Lawrence, Kansas, and repealing the existing sections. Motion carried unanimously.

E. PUBLIC COMMENT:

Marci Francisco reiterated her comments on the formerly considered items.

James Dunn said there were two congregate houses with un-cleared sidewalks that he tried to report and found that the City's phone line was busy all day.

F. FUTURE AGENDA ITEMS:

David Corliss, City Manager, outlined potential future agenda items.

G: COMMISSION ITEMS:

I: CALENDAR:

David Corliss, City Manager, reviewed upcoming calendar items.

J: CURRENT VACANCIES – BOARDS/COMMISSIONS:

Existing and upcoming vacancies on City of Lawrence Boards and Commissions were listed on the agenda.

Moved by Chestnut, seconded by Dever, to adjourn at 11:32 p.m. Motion carried unanimously.

APPROVED:

Mike Amyx, Mayor

ATTEST:

Jonathan M. Douglass, City Clerk