

ITEM NO. 3 CONGREGATE LIVING & MULTI-DWELLING STRUCTURES (SDM)

Consider land use information related to recently adopted code amendments for Congregate Living and Multi-Dwelling Structures. *Requested by City Commission at their October 4, 2011 regular meeting.*

STAFF PRESENTATION

Mr. Scott McCullough presented the item.

Commissioner Hird said the staff report was very well prepared.

Commissioner Finkeldei asked staff to walk them through how the determination was made.

Mr. McCullough said there had been two applications since the January adoption that used the parking standard of .5 parking spaces per bedroom. He said the criteria was built off of compiling a number of different data sets. He said staff met with the Appraisers office and decided which data sets to use that would give the most accurate information to generate the numbers.

Commissioner Finkeldei inquired about unlivable basement space.

Mr. McCullough said the gross square footage assumed that it could all be converted to livable space, not necessarily currently livable.

Commissioner Liese inquired about attics.

Mr. McCullough said attics were introduced into the discussion as another type of space that usually does not start out livable but could be something within the envelope of the structure that could be converted into boarding house space.

PUBLIC HEARING

Ms. Candice Davis expressed concern about the footnoted exception that counting unfinished spaces was close to the average size of a home in the Oread Neighborhood. She said the .5 parking was less than the original boarding house parking standard of .75. She said it essentially negates the standard of one parking space per bedroom currently in the Code. She expressed concern about further parking issues in the neighborhood. She said the Oread Residents Association favors an interpretation where the exception does not count unfinished living spaces.

Ms. Gwen Klingenberg, Lawrence Association of Neighborhoods, supported the idea. She said the point of an exemption was to have a unique reason why you shouldn't have to follow the regular rule of one parking space per bedroom. She said the way it was written was not unique.

Mr. Kyle Thompson said the map shown at City Commission meeting showed every house on his block qualifying under the exception. He said east of the University 50-90% of the houses on each block would qualify to become boarding houses under this exception. He said within a block radius of his house there were four empty houses and he did not think encouraging higher occupancy was a good idea.

Ms. Ellie Lecompte expressed concern about parking issues with a limited number of on street parking. She discussed managing blight and said she would like to see blight managed instead of housing being completely reformatted. She said they should be registered rentals and regularly inspected. She said rental registration would allow funds to hire another inspector.

Mr. Dennis Brown, Lawrence Preservation Alliance, said he agreed congregate living could be a solution for certain structures but not a one size fits all application that could be addressed by the Code. He recommended the exception be set at .75 spaces. He said Oread Neighborhood had the most development pressure than any

other area of town. He said the Overlay districts would be able to identify and account for the few true hardship properties that could only be preserved by congregate living. He said a recent preservation issue, the Varsity House, had enough parking to not need the exception. He said for the exception they were better off minimizing, not maximizing, what it qualifies for.

Ms. Marci Francisco said one problem with the exception is that it gives exception for a large structure on a lot and there is no difference between the size of the lot and how many parking spaces are needed. She expressed concern that the change might allow an existing congregate living structure to put more bedrooms within the structure. She wanted the exception to be as tight as possible.

Mr. John Josserand discussed the number of boarding houses and displayed on the overhead Lawrence population density. He expressed concern about the possibility of 89 boarding houses.

Mr. Aaron Paden felt the exception might need to be revisited. He said it was a matter of smart density and how it was developed.

Mr. Tom Harper said he walked away from the City Commission meeting thinking that the City Commission thought 89 houses were too many and that it was Planning Commissions job to scale it way down. He said the Oread Neighborhood was so dense already and this would increase the density.

Mr. Josserand said from an economic standpoint .75 parking was nice and .5 was great.

COMMISSION DISCUSSION

Commissioner Finkeldei said in his mind what he voted for he did not intend to include the basements or attics. He said 89 boarding houses was a large number and not what he intended when he voted. He said there were certain structures that were not likely to be converted back to single-family or remain single-family. He said they were trying to limit it to just a few houses. He said the average structure size was 2,171 square feet excluding basements and 3,100 square feet including basements. He did not think basements should be included in the count. He said the 3,500 square feet, not counting basements and attics, was adequate.

Commissioner Singleton agreed with Commissioner Finkeldei.

Commissioner Blaser inquired about the next step.

Mr. McCullough said it would be forwarded to City Commission.

Commissioner Blaser recommended they stay with the 3,500 square feet and .5 parking but do not use attics and basements in the calculation.

Mr. McCullough said if 3,500 square feet, excluding basements, was a possible new interpretation that would leave about 2.3% of Oread properties eligible for the .5 parking space.

Commissioner Liese inquired about rental registration.

Mr. McCullough said it has been a topic of discussion several times at the City Commission level.

Commissioner Culver agreed with excluding basements and attics. He wondered if it would be worthwhile to look at 3,250 square feet.

Mr. McCullough said there were a number of ways to look at it.

Commissioner Britton said he supported an interpretation that excluded basements and attics. He wondered if the best way to do that was through a text amendment.

Commissioner Belt felt 89 boarding houses was a large number. He said the University of Kansas was a key player in the discussion and he would like to see them involved.

Commissioner Hird felt 89 boarding houses were way too many. He encouraged City Commission to consider limiting the exemption to homes built before a certain date. He said the idea was that it had to be big structures we're interested in keeping and maybe a date requirement could be part of the equation. He felt it made more sense for the people trying to protect the Oread Neighborhood to include the basement in the calculation and raise the square footage number. He felt that by not including the basement in the calculation it was inviting mischief for someone to do something that was unintended, such as packing more bedrooms in.

NO ACTION TAKEN