

BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS

MONDAY, FEBRUARY 23, 2009

8:30 a.m. (Commission Chamber)

-Convene

-Consider approval of the minutes of February 11 and February 16, 2009.

CONSENT AGENDA

- (1) (a) Consider approval of Commission Orders; and
- (b) Consider approval of Bids for Noxious Weed Herbicides (Keith Browning)

REGULAR AGENDA

- (2) Consider approval of Comprehensive Plan Amendment **CPA-2007-6**, to amend *Horizon 2020* by creating Chapter 15 – Place Making to ensure proper comprehensive plan language is in place for the proposed Lawrence SmartCode in the City of Lawrence, and approve Joint City **Ordinance No. 8288**/County Resolution. (Approved by CC on 1/20/09)(Dan Warner is the Planner.)
- (3) Consider approval of Comprehensive Plan Amendment CPA-2007-7, to amend *Horizon 2020*, Chapter 14 Specific Plans, to approve and add a reference to the Lawrence SmartCode Infill Plan, and approve Joint City **Ordinance No. 8289**/County Resolution. (Approved by CC on 1/20/09) Dan Warner is the Planner.
- (4) Consider approval of options for vehicle replacement for Youth Services (Jackie Waggoner)
- (5) Discussion of Economic Development policies and proposed cost benefit model (Roger Zalneraitis)
- (6) Discussion of Neighborhood Stabilization Plan (Craig Weinaug and Virginia Dienstbier)
- (7) Executive Session for the purpose of consultation with County Counselor on matters concerning possible litigation, which would be deemed, privileged under the attorney-client relationship. The justification is to maintain attorney client privilege on a matter involving Douglas County.
- (8) Other Business
 - (a) Consider approval of Accounts Payable (if necessary)
 - (b) Appointments
 - (c) Miscellaneous
 - (d) Public Comment

(9) Adjourn

WEDNESDAY, FEBRUARY 25, 2009

-Discuss Lawrence Freenet Rural Broadband initiative (Josh Montgomery)

MONDAY, MARCH 2, 2009

-No Commission Meeting

-Breakfast Meeting on Local Food Systems (Time/Location TBA)

-12:00 p.m. Commissioners/Judges meeting annual meeting in the Citizen Review Board conference room, in the southeast corner on the main floor of JLE.

WEDNESDAY, MARCH 4, 2009

- Consider approving CPA-2004-02, a Comprehensive Plan Amendment to *Horizon 2020*, Chapter 7: Industrial and Employment Related Land Use and consider adopting on first reading, Joint City Ordinance No. 8283/County Resolution for Comprehensive Plan Amendment (CPA-2004-02) to *Horizon 2020*, Chapter 7. (PC Item 11; approved 7-2 on 5/21/08) (Amy Brown is the Planner)

MONDAY, MARCH 9, 2009

WEDNESDAY, MARCH 11, 2009

7:30-9:00 a.m. – Joint Planning Commission and County Commission meeting on proposed zoning regulations (meet in County Commission Chamber)

MONDAY, MARCH 16, 2009

-No Commission Meeting due to Spring Break

WEDNESDAY, MARCH 18, 2009

-No Commission Meeting due to Spring Break

MONDAY, MARCH 23, 2009

WEDNESDAY, MARCH 25, 2009

MONDAY, MARCH 30, 2009

WEDNESDAY, APRIL 1, 2009

MONDAY APRIL 6, 2009

WEDNESDAY, APRIL 8, 2009

-No Commission Meeting

MONDAY, APRIL 13, 2009

WEDNESDAY, APRIL 15, 2009

MONDAY, APRIL 20, 2009

WEDNESDAY, APRIL 22, 2009

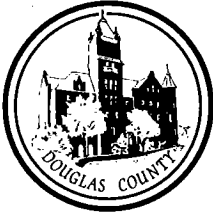
MONDAY, APRIL 27, 2009

-No Commission Meeting

WEDNESDAY, APRIL 29, 2009

-No Commission Meeting

Note: The Douglas County Commission meets regularly on Mondays at 8:30 A.M. and Wednesdays at 6:35 P.M. at the Douglas County Courthouse. Specific regular meeting dates that are not listed above have not been cancelled unless specifically noted on this schedule.



DOUGLAS COUNTY PUBLIC WORKS

1242 Massachusetts Street
Lawrence, KS 66044-3350
(785) 832-5293 Fax (785) 841-0943
dgcopubw@douglas-county.com
www.douglas-county.com

Keith A. Browning, P.E.
Director of Public Works/County Engineer

MEMORANDUM

To : Board of County Commissioners

From : Keith A. Browning, P.E., Director of Public Works/County Engineer *KAB*

Date : February 12, 2009

Re : Consent Agenda Approval of Bids for Noxious Weed Herbicides

Bids were opened on February 9, 2009 for the supply of herbicides to treat noxious weeds. These herbicides are for supply to private landowners (at 75% of the county's cost plus shipping and handling) and for treating noxious weeds on county owned or maintained land. Bids were received from eight (8) suppliers, as shown on the attached bid tabulation.

The low bids are as follows:

Herbicide	Quantity	Unit Cost	Total Cost	Vendor
Glyphosate	600 gal.	\$23.95	\$14,370.00	Red River
Remedy	80 gal.	\$59.95	\$ 4,796.00	Red River
PastureGard	300 gal.	\$46.45	\$13,935.00	J B Pearl
2,4-D (Amine)	1,200 gal.	\$11.70	\$14,040.00	J B Pearl
Picloram 22K	192 gal.	\$55.17	\$10,592.64	J B Pearl
Milestone/Gal	100 gal.	\$275.80	\$27,580.00	Lone Pine
Milestone/Qt.	24 qt.	\$70.17	\$ 1,684.08	Lone Pine

Action Required: Consent Agenda acceptance of the low bid from suppliers noted above.

BID TAB FOR HERBICIDES			Bid No. 09003 - Bid Opening Date Feb. 9, 2009																					
VENDOR																								
	Qty/Gal	\$/Gal.	Glyphosate	Qty/Gal	\$/Gal.	Remedy	Qty/Gal.	\$/Gal.	PastureGard	Qty/Gal	\$/Gal.	2,4-D Amine	Qty/Gal	\$/Gal.	Picloram 22 K	Qty/Gal	\$/Gal.	Milestone	Qty/Qt	\$/Qt.	Milestone			
J B Pearl	600	\$ 25.65	\$ 15,390.00	80	\$ 83.00	\$ 6,640.00	300	\$ 46.45	\$ 13,935.00	1200	\$ 11.70	\$ 14,040.00	192	\$ 55.17	\$ 10,592.64	100	\$ 278.33	\$ 27,833.00	24	\$ 70.81	\$ 1,699.44			
Lone Pine	600	\$ 26.17	\$ 15,702.00	80	\$ 80.21	\$ 6,416.80	300	\$ 46.70	\$ 14,010.00	1200	\$ 11.95	\$ 14,340.00	190	\$ 56.29	\$ 10,695.10	100	\$ 275.80	\$ 27,580.00	24	\$ 70.17	\$ 1,684.08			
Veg. Mg'mt	600	\$ 31.60	\$ 18,960.00	80	No Bid	\$ -	300	No Bid	\$ -	1200	\$ 12.14	\$ 14,568.00	192	No Bid	\$ -	100	No Bid	\$ -	24	No Bid	\$ -			
Van Diest	600	\$ 29.63	\$ 17,778.00	80	\$ 73.19	\$ 5,855.20	300	\$ 48.21	\$ 14,463.00	1200	\$ 11.97	\$ 14,364.00	180	\$ 70.57	\$ 12,702.60	100	\$ 287.17	\$ 28,717.00	24	\$ 75.53	\$ 1,812.72			
Lesco, Inc.	600	\$ 49.68	\$ 29,808.00	80	No Bid	\$ -	300	No Bid	\$ -	1200	No Bid	\$ -	192	No Bid	\$ -	100	No Bid	\$ -	24	No Bid	\$ -			
CPS	600	\$ 28.50	\$ 17,100.00	80	\$ 67.49	\$ 5,399.20	300	\$ 51.49	\$ 15,447.00	1200	\$ 11.85	\$ 14,220.00	192	\$ 94.50	\$ 18,144.00	100	\$ 298.49	\$ 29,849.00	24	\$ 78.45	\$ 1,882.80			
Red River	600	\$ 23.95	\$ 14,370.00	80	\$ 59.95	\$ 4,796.00	300	\$ 49.25	\$ 14,775.00	1200	\$ 12.49	\$ 14,988.00	192	\$ 105.60	\$ 20,275.20	100	\$ 295.00	\$ 29,500.00	24	\$ 75.50	\$ 1,812.00			
McGraw	600	\$ 27.00	\$ 16,200.00	80	\$ 87.41	\$ 6,992.80	300	\$ 48.90	\$ 14,670.00	1200	\$ 12.33	\$ 14,796.00	192	\$58.08	\$ 11,151.36	100	\$292.98	\$ 29,298.00	24	\$74.54	\$ 1,788.96			
Director of Public Works: Keith A. Browning				County Clerk: Jamie Shew				Dated: 02/09/09																
By: Rita Fulks				By: Marni Penrod																				

Memorandum

City of Lawrence and Douglas County Planning & Development Services

TO: Douglas County Board of County Commissioners

FROM: Dan Warner, AICP, Long-Range Planner

Date: 02/23/09

RE: CPA-2007-6 and CPA-2007-7

CPA-2007-6 and **CPA-2007-7** are Comprehensive Plan Amendments related to the Lawrence SmartCode. The Lawrence SmartCode was adopted by the Lawrence City Commission on January 20, 2009 with an effective date of July 1, 2009. The Lawrence SmartCode is a parallel development code for Lawrence, meaning that it can only be used when property is annexed by Lawrence. The Lawrence SmartCode is an optional code.

CPA-2007-6 is a Comprehensive Plan Amendment to Horizon 2020 proposing to create Chapter 15 – Place Making to ensure proper comprehensive plan language is in place for the proposed Lawrence SmartCode in the City of Lawrence. **CPA-2007-7** is a Comprehensive Plan Amendment to Horizon 2020, Chapter 14 Specific Plans, to approve and add a reference to the Lawrence SmartCode Infill Plan.

CPA-2007-6 and **CPA-2007-7** received unanimous recommendations for approval by the Planning Commission on May 21, 2008. Both items also received unanimous approval by the City Commission on January 6, 2009.

RESOLUTION NO. 2008-01

A RESOLUTION RECOMMENDING ADOPTION OF CHAPTER 15 TO *HORIZON 2020*, THE COMPREHENSIVE PLAN FOR THE CITY OF LAWRENCE AND UNINCORPORATED DOUGLAS COUNTY, KANSAS PERTAINING TO PLACE MAKING

WHEREAS, the City Commission of Lawrence, Kansas and the Board of County Commissioners of Douglas County, Kansas, for the purpose of promoting the public health, safety, morals, comfort and general welfare, conserving and protecting property values throughout Lawrence and Douglas County, are authorized by K.S.A. 12-741 *et seq.* to provide for the preparation, adoption, amendment, extension and carrying out of a comprehensive plan; and

WHEREAS, the Lawrence-Douglas County Metropolitan Planning Commission, the City Commission of Lawrence, Kansas and the Board of County Commissioners of Douglas County, Kansas have adopted an official comprehensive plan for the coordination of development in accordance with the present and future needs and to conserve the natural resources of the City and County, ensure efficient expenditure of public funds and promote the health, safety, convenience, prosperity and general welfare of the citizens of Lawrence and Douglas County; and

WHEREAS, the Lawrence-Douglas County Metropolitan Planning Commission held public hearings on February 27, 2008, April 23, 2008 and May 21, 2008 for the proposed adoption of Chapter 15 – Place Making to *Horizon 2020*, the Comprehensive Plan, after notice by publication in the official city and county newspaper; and

BE IT RESOLVED BY THE LAWRENCE-DOUGLAS COUNTY METROPOLITAN PLANNING COMMISSION:

SECTION ONE: The above stated recitals are by reference incorporated herein, and shall be as effective as if repeated verbatim.

SECTION TWO: Pursuant to K.S.A. 12-747, the Lawrence-Douglas County Metropolitan Planning Commission adopts and recommends for approval the addition of Chapter 15 –Place Making, CPA-2007-06, to *Horizon 2020*, the Comprehensive Plan for the City of Lawrence and Unincorporated Douglas County

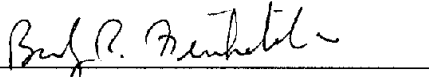
SECTION THREE: Chapter 15 – Place Making to *Horizon 2020* is attached as Exhibit 1.

SECTION FOUR: Resolution 2008-01 together with a certified copy of Chapter 15 – Place Making of *Horizon 2020*, the Comprehensive Plan for the City of Lawrence and Unincorporated Douglas County, and a written summary of the public hearing shall be submitted to the City Commission and the Board of County Commissioners.

Adopted by the Lawrence-Douglas County Metropolitan Planning Commission on this,
the 21st day of May, 2008.



Chair
Lawrence-Douglas County Metropolitan
Planning Commission



Vice-Chair
Lawrence-Douglas County Metropolitan
Planning Commission



Scott McCullough, Secretary
Lawrence-Douglas County Metropolitan
Planning Commission

Exhibit 1

Place Making Elements

CHAPTER FIFTEEN – PLACE MAKING

Complete neighborhoods require a mix of land uses (residential, retail, office, civic uses, etc.) and a mix of housing types and prices (single-family detached, townhouses, duplexes, apartments, etc.) arranged to provide a variety of living and working options within walking distance of each other. Current zoning codes segregate uses, prohibiting the creation of complete neighborhoods. The SmartCode, a transect-based form-based code, is a tool that guides the form of greenfield or infill development into complete neighborhoods.

Complete neighborhoods depend on having a consistently good pedestrian experience. The prime determinant of the pedestrian experience is the quality of the streetscape: walkable streets are visually stimulating, while environments that are hostile or uninteresting immediately turn pedestrians away. Specifically, the most important element of a good streetscape is quality frontage – the manner in which the public realm of the street and sidewalk meet the private line of the building face. The SmartCode prioritizes the pedestrian experience and creates a harmonious urban streetscape by closely regulating building frontages.

STRATEGIES: PLACEMAKING

The Place Making Chapter adds the following Land Use Categories to the Comprehensive Plan that are only applicable for land annexed by the City and for use with the Lawrence SmartCode. (see Sector Plan Map on page 15-7 for locations):

GENERAL LOCATIONAL & RELATIONAL INFORMATION PER LAND USE AS REQUIRED BY KSA 12-747		
LAND USE CATEGORY	GENERAL LOCATION	EXTENT & RELATIONSHIP OF LAND USES
(O-1) PRESERVED OPEN SECTOR:	The Preserved Open Sector shall be assigned to open space that is protected from development in perpetuity. The Preserved Open Sector includes areas under environmental protection by law or regulation, as well as land acquired for conservation through purchase, by easement, or by past transfer of development rights.	The Preserved Open Sector shall consist of the aggregate of the following categories: a. Surface Water bodies b. Protected Wetlands c. Protected Habitat d. Riparian Corridors e. Purchased Open Space f. Conservation Easements g. Transportation Corridors h. Residual to Clustered Land Developments (CLD)

GENERAL LOCATIONAL & RELATIONAL INFORMATION PER LAND USE AS REQUIRED BY KSA 12-747		
LAND USE CATEGORY	GENERAL LOCATION	EXTENT & RELATIONSHIP OF LAND USES
(O-2) RESERVED OPEN SECTOR	The Reserved Open Sector shall be assigned to open space that should be, but is not yet, protected from development.	The Reserved Open Sector shall consist of the aggregate of the following categories: a. Flood Way and Flood Fringe b. Steep Slopes c. Open Space to be Acquired d. Corridors to be Acquired e. Buffers to be Acquired f. Legacy Woodland g. Legacy Farmland and High-Value Agricultural Soils h. Legacy Viewsheds
(G-1) RESTRICTED GROWTH SECTOR	The Restricted Growth Sector shall be assigned to areas that have value as open space but nevertheless are subject to development, either because the zoning has already been granted or because there is no legally defensible reason, in the long term, to deny it.	Within the Restricted Growth Sector, Clustered Land Developments (CLD) shall be permitted By Right. CLDs shall consist of no more than one Standard Pedestrian Shed with that portion of its site assigned to the T1 Natural or T2 Rural Zones

GENERAL LOCATIONAL & RELATIONAL INFORMATION PER LAND USE AS REQUIRED BY KSA 12-747		
LAND USE CATEGORY	GENERAL LOCATION	EXTENT & RELATIONSHIP OF LAND USES
(G-2) CONTROLLED GROWTH SECTOR	The Controlled Growth Sector shall be assigned to those locations where development is encouraged, as it can support mixed-use by virtue of proximity to a Thoroughfare or Fixed Transit Route.	Within the Controlled Growth Sector, Traditional Neighborhood Developments (TND) shall be permitted By Right, as well as CLDs. TNDs shall consist of at least one partial or entire Standard Pedestrian Sheds.
(G-4) INFILL GROWTH SECTOR	The Infill Growth Sector shall be assigned to areas already developed. Such areas may include conventional suburban developments, greyfield and brownfield sites, and historic urban areas.	Infill Community Plans shall be based on conserving, completing or creating Transect-based urban structure. Infill Community Plans may be Infill TNDs (at least 40 contiguous acres). For any Infill sites comprising at least 40 contiguous acres, the Developer or the Lawrence-Douglas County Planning Department ("Planning Department") may prepare an Infill Community Plan. For sites comprising less than 40 contiguous acres, only the Planning Department may prepare an Infill Community Plan.

The following Community Types are allowed within the new Growth Sector Land Use Categories:

	Clustered Land Development (CLD)	Traditional Neighborhood Development (TND)
(G-1) RESTRICTED GROWTH SECTOR	X	
(G-2) CONTROLLED GROWTH SECTOR	X	X
(G-4) INFILL GROWTH SECTOR		X

Each Community Types shall include the range of Transect Zones (T-Zones):

	Natural Zone (T1)	Rural Zone (T2)	Sub-Urban Zone (T3)	General Urban Zone (T4)	Urban Center Zone (T5)	Special Urban Center Zone (T5.5)
	THE NATURAL ZONE consists of lands approximating or reverting to a wilderness condition, including lands unsuitable for settlement due to topography, hydrology or vegetation.	THE RURAL ZONE consists of lands in open or cultivated state or sparsely settled. These include woodland, agricultural lands, grasslands and irrigable deserts.	THE SUB-URBAN ZONE consists of low-density suburban residential areas, differing by allowing home occupations. Planting is naturalistic with setbacks relatively deep. Blocks may be large and the roads irregular to accommodate natural conditions.	THE GENERAL URBAN ZONE consists of a mixed-use but primarily residential urban fabric. It has a wide range of building types: single, sideyard, and rowhouses. Setbacks and landscaping are variable. Streets typically define medium-sized blocks.	THE URBAN CENTER ZONE consists of higher density mixed-use building types that accommodate retail, offices, rowhouses and apartments. It has a tight network of streets, with wide sidewalks, steady street tree planting and buildings set close to the frontages.	THE SPECIAL URBAN CENTER ZONE consists of the highest density, with the greatest variety of uses, and civic buildings of regional importance. It may have larger blocks; streets have steady street tree planting and buildings set close to the frontages.
CLD	no minimum	30% MIN	10 - 30%	20 - 50%	prohibited	prohibited
TND	no minimum	no minimum	10 - 30%	30 - 60 %	10 - 30%	prohibited

PLACEMAKING GOALS AND POLICIES

Guidelines are needed to guide the development of greenfield or infill complete neighborhoods (mixed-use neighborhoods) within the city limits of Lawrence.

Mixed-Use Neighborhood Land Uses

GOAL 1: Establish Mixed-Use Neighborhood Growth Areas (Sectors)

Mixed-Use Neighborhood Growth Areas are needed in key locations throughout the City of Lawrence. The character of each mixed-use neighborhood should be determined by its Growth Sector and its Community Type.

Policy 1.1: Establish Growth Sectors

- a. Define Growth Sector types and requirements (G1 Restricted Growth, G2 Controlled Growth, G4 Infill Growth).
- b. Direct more intense development to areas with existing infrastructure.
- c. Limit development in areas with natural and agricultural resources.
- d. Maintaining and protecting the vitality of Downtown Lawrence is important to the citizens of Lawrence. No G3 Intended Growth Area shall be permitted by right since a secondary Regional Commercial District is not planned to compete with Downtown Lawrence.

Policy 1.2: Establish Community Types and Development Standards for each type.

- a. Define Community Types and requirements (Cluster Land Development, Traditional Neighborhood Development,).
- b. Direct higher intensity Community Types to areas with existing infrastructure.
- c. Maintaining and protecting the vitality of Downtown Lawrence is important to the citizens of Lawrence. No Regional Commercial District shall be permitted by right since a secondary Regional Commercial District is not planned to compete with Downtown Lawrence.
- d. Direct lower intensity Community Types to areas with natural and agricultural resources.

Policy 1.3 Establish mixed-use zoning categories as the building blocks for Community Types

- a. Establish mixed-use zoning categories based on the rural-urban transect to provide the elements for Community Types (T1: Natural, T2: Rural, T3: Sub-Urban, T4: General Urban, T5: Urban Center, T5.5: Special Urban Center).
- b. Maintaining and protecting the vitality of Downtown Lawrence is important to the citizens of Lawrence. The most intense mixed-use zoning category (T5.5: Special Urban Center) is reserved for downtown.

Policy 1.4 Establish the Lawrence SmartCode as a development option in the city limits of Lawrence.

GOAL 2: Establish Open Lands Areas (Sectors)

Open Lands Areas are needed in key locations throughout the community to preserve natural and agricultural land.

Policy 2.1: Establish Open Lands Sectors

- a. Define Open Lands Sector types and requirements (O1 Preserved, O2 Reserved).
- b. Direct more intense development to areas with existing infrastructure.
- c. Limit development in areas with natural and agricultural resources.

GOAL 3: Establish street and thoroughfare types that support the development of mixed-use neighborhoods.

Streets should be designed to support the land use that the community articulates in its vision.

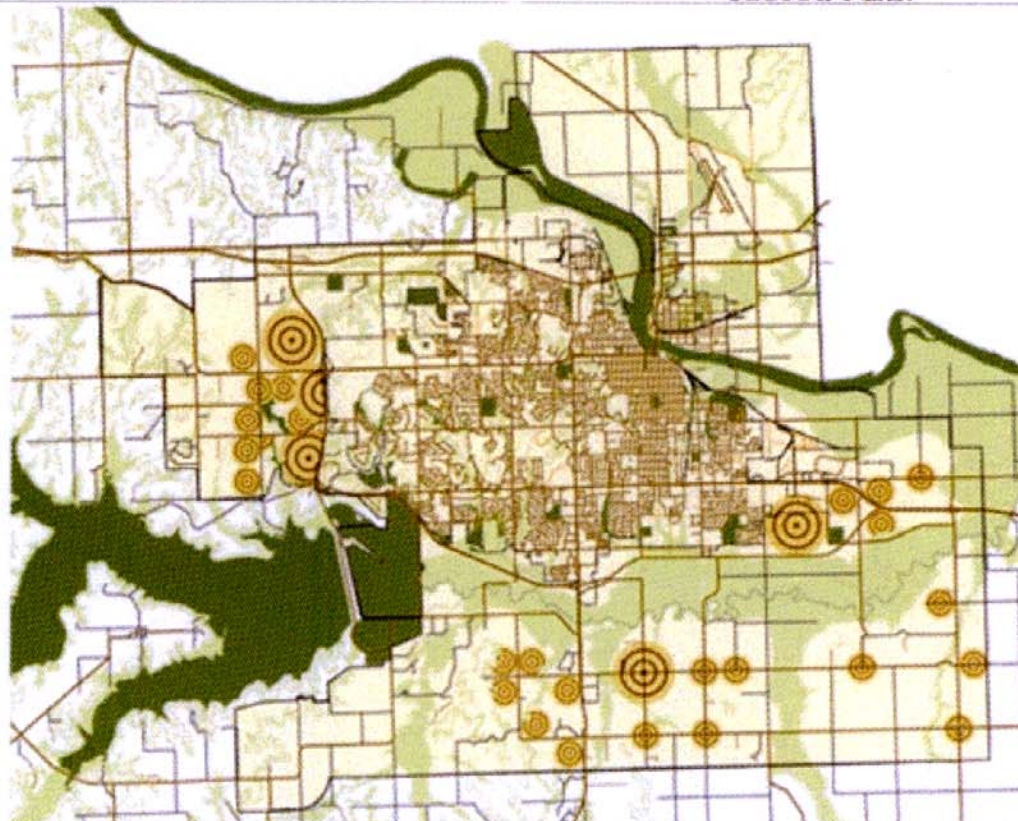
Policy 3.1: Define requirements for various street and thoroughfare types, including consideration of multiple travel modes (auto, pedestrian, bicycle, transit).

- a. Utilize thoroughfare types identified in the Lawrence SmartCode.
- b. Identify opportunities for additional connectivity on the east side of Lawrence. Look for options to add more two-lane streets.
- c. Limit expansion of existing roads.
- d. Encourage shared use of roads. Target bicycle lanes to only those roads that do not allow for shared use (speeds over 35 mph, grades above 6% for extended lengths, long blocks, or very high-volume traffic).

Lawrence SmartCode Sector Plan






The following Lawrence SmartCode Sector Plan is applicable only to property that has been annexed by the City of Lawrence.

LAWRENCE, KANSAS SMARTCODE CALIBRATION SECTOR PLAN



A key issue to citizens of Lawrence is how and where growth will occur. The Sector Plan for the city addresses the most beneficial locations for growth, and also puts in place a mechanism for protecting the rolling hills, key drainages, wetlands and prairie.

In the SmartCode there are six specific Sectors that establish where development is allowed. Two Sectors (O-1, O-2) are for open lands (Preserve and Reserve) and the other four (G-1, G-2, G-3, G-4) are for urban growth of varying intensity (Restricted, Controlled, and Intended Growth Sectors for new communities, and the Infill Growth Sector for existing urbanized areas.)

-  O1 Preserved Open Areas that consists of areas protected from development in perpetuity. This Sector includes areas under environmental protection by law or regulation, as well as land acquired for conservation through purchase or by easement.
-  O2 Reserved Open Areas that consist of open space that should be, but is not yet, protected from development.
-  G1 Restricted Growth Areas that have value as open space but are subject to development.
-  G2 Controlled Growth Areas where development is encouraged, as it can support mixed-use by virtue of proximity to a thoroughfare.
-  G4 Infill Growth Areas consisting of traditional urbanism and/or conventional suburban developments. Both subject to revitalization or infill according to Article 4.

No G3 is permitted by right since a secondary Regional Commercial District is not planned to compete with Downtown Lawrence. The target size within G2 indicates a cluster development or traditional neighborhood development.

PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item

PC Staff Report
05/21/08

**ITEM NO. 13: COMPREHENSIVE PLAN AMENDMENT TO HORIZON 2020;
 CREATING CHAPTER 15 (MJL)**

CPA-2007-6: Amend Horizon 2020 by creating Chapter 15 – Place Making to ensure proper comprehensive plan language is in place for the proposed *Lawrence SmartCode* in the City of Lawrence. This item was initiated by the City Commission at their December 18, 2007 meeting.

STAFF RECOMMENDATION: Staff recommends approval of Chapter 15.

SUMMARY

In the fall of 2006, the City Commission authorized the contract with PlaceMakers for services to create a parallel TND development code for the city. In late January 2006 and early February 2007, the PlaceMakers team and city staff held a design charrette to gather public input on the drafting of the SmartCode and the infill plan for four identified areas to be analyzed during the process. These areas were used as examples to show how the SmartCode could be used in the community. PlaceMakers also identified that *Horizon 2020* did not entirely support the concepts of the SmartCode. This proposed chapter would incorporate the SmartCode concepts into *Horizon 2020* to support SmartCode development in the city and the adoption of the related regulatory tools.

A definitions section has been added to the draft chapter since the initiation of the comprehensive plan amendment. This was done to further clarify terms in the chapter that are used from the SmartCode.

STAFF REVIEW

Included as part of this staff report is the proposed Chapter 15 - Place Making document.

COMPREHENSIVE PLAN AMENDMENT REVIEW

A. Does the proposed amendment result from changed circumstances or unforeseen conditions not understood or addressed at the time the plan was adopted?

The proposed amendment is a result of the changing circumstances that have occurred since the comprehensive plan was first written. At the time *Horizon 2020* was written, it relied on the suburban model for development and the SmartCode is a form-based code. The original *Horizon 2020* did not contemplate mixed-use development, a mix of housing types, a variety of living and working options within walking distance of each other, and creating a place that offers a good pedestrian experience. The proposed chapter identifies general locations of land uses that are to be located within a development and relational information, community types, and transects along with goals and policies to be used in conjunction with the *Lawrence SmartCode*.

B. Does the proposed amendment advance a clear public purpose and is it consistent with the long-range goals and policies of the plan?

The proposed amendment is an advancement of a clear public purpose and is consistent with the long-range planning goals and policies of the community. The proposed chapter allows for support of development that utilizes the *Lawrence SmartCode*. The City Commission has shown interest in offering the community an option to develop under a different type of regulation than provided in the current *Land Development Code*. By adding this chapter to *Horizon 2020*, the concepts offered in the SmartCode can be supported. Further, the goals and policies in the Place Making chapter stay consistent with the overall intent of *Horizon 2020*.

C. Is the proposed amendment a result of a clear change in public policy?

As the City of Lawrence continues to grow and expand, there is an opportunity for a type of development that is different than the way it has been occurring for the past 30+ years. The SmartCode is an optional code that prioritizes the pedestrian experience and creates a harmonious urban streetscape by closely regulating building frontage and building forms. The SmartCode offers the opportunity for construction of a more traditional type of mixed-use development. Chapter 15-Place Making supports the shift in public policy to offer an option from the current development format to the SmartCode form based code. This is a clear change in public policy from when *Horizon 2020* was initially adopted in the late 1990s.

PROFESSIONAL STAFF RECOMMENDATION

Staff recommends approval the following:

- Recommend approval of Chapter 15-Place Making and forwarding the recommendation to the governing bodies for concurrence, and
- authorize the chair to sign PC Resolution 2008-01 pertaining to CPA-2007-06.

Place Making Elements

CHAPTER FIFTEEN – PLACE MAKING

Complete neighborhoods require a mix of land uses (residential, retail, office, civic uses, etc.) and a mix of housing types and prices (single-family detached, townhouses, duplexes, apartments, etc.) arranged to provide a variety of living and working options within walking distance of each other. Current zoning codes segregate uses, limiting the creation of complete neighborhoods. The SmartCode, a transect-based form-based code, is a tool that guides the form of greenfield or infill development into complete neighborhoods.

Complete neighborhoods depend on having a consistently good pedestrian experience. The prime determinant of the pedestrian experience is the quality of the streetscape: walkable streets are visually stimulating, while environments that are hostile or uninteresting immediately turn pedestrians away. Specifically, the most important element of a good streetscape is quality frontage – the manner in which the public realm of the street and sidewalk meet the private line of the building face. The SmartCode prioritizes the pedestrian experience and creates a harmonious urban streetscape by closely regulating building frontages.

DEFINITIONS

These definitions and further explanation can be found in the *Lawrence SmartCode*.

Clustered Land Development (CLD)

A type of development of at least 40 contiguous greenfield acres with specific allocations of each transect zone and containing a large amount of open space.

Traditional Neighborhood Development (TND)

A type of development of at least 60 contiguous greenfield acres with specific allocations of each transect zone with a more urban feel. TND developments are allowed in infill situations.

Transect Zone (T-Zone)

Zones are similar to the land-use zones in conventional codes, except that in addition to the usual building use, density, height, and setback requirements, other elements are integrated including those of the private lot, building, and the enfronting public streetscape.

Pedestrian Shed

The area covered by a 5 minute walk which is usually a distance of ¼ mile, a distance a pedestrian would feel comfortable walking. A standard pedestrian shed is ¼ mile radius.

STRATEGIES: PLACEMAKING

The Place Making Chapter adds the following land use categories to the comprehensive plan that are only applicable for land annexed by the city and for use with the *Lawrence SmartCode*. (See Sector Plan Map on page 15-7 for locations):

GENERAL LOCATIONAL & RELATIONAL INFORMATION PER LAND USE AS REQUIRED BY KSA 12-747		
LAND USE CATEGORY	GENERAL LOCATION	EXTENT & RELATIONSHIP OF LAND USES
(O-1) PRESERVED OPEN SECTOR:	The Preserved Open Sector shall be assigned to open space that is protected from development in perpetuity. The Preserved Open Sector includes areas under environmental protection by law or regulation, as well as land acquired for conservation through purchase, by easement, or by past transfer of development rights.	The Preserved Open Sector shall consist of the aggregate of the following categories: a. Surface Water bodies b. Protected Wetlands c. Protected Habitat d. Riparian Corridors e. Purchased Open Space f. Conservation Easements g. Transportation Corridors h. Residual to Clustered Land Developments (CLD)
(O-2) RESERVED OPEN SECTOR	The Reserved Open Sector shall be assigned to open space that should be, but is not yet, protected from development.	The Reserved Open Sector shall consist of the aggregate of the following categories: a. Flood Way and Flood Fringe b. Steep Slopes c. Open Space to be Acquired d. Corridors to be Acquired e. Buffers to be Acquired f. Legacy Woodland g. Legacy Farmland and High-Value Agricultural Soils h. Legacy Viewsheds

LAND USE CATEGORY	GENERAL LOCATION	EXTENT & RELATIONSHIP OF LAND USES
(G-1) RESTRICTED GROWTH SECTOR	The Restricted Growth Sector shall be assigned to areas that have value as open space but nevertheless are subject to development, either because the zoning has already been granted or because there is no legally defensible reason, in the long term, to deny it.	Within the Restricted Growth Sector, Clustered Land Developments (CLD) shall be permitted By Right. CLDs shall consist of no more than one Standard Pedestrian Shed with that portion of its site assigned to the T1 Natural or T2 Rural Zones
(G-2) CONTROLLED GROWTH SECTOR	The Controlled Growth Sector shall be assigned to those locations where development is encouraged, as it can support mixed-use by virtue of proximity to a Thoroughfare or Fixed Transit Route.	Within the Controlled Growth Sector, Traditional Neighborhood Developments (TND) shall be permitted By Right, as well as CLDs. TNDs shall consist of at least one partial or entire Standard Pedestrian Sheds.
(G-4) INFILL GROWTH SECTOR	The Infill Growth Sector shall be assigned to areas already developed. Such areas may include conventional suburban developments, greyfield and brownfield sites, and historic urban areas.	Infill Community Plans shall be based on conserving, completing or creating Transect-based urban structure. Infill Community Plans may be Infill TNDs (at least 40 contiguous acres). For any Infill sites comprising at least 40 contiguous acres, the Developer or the Planning Division of Planning and Development Services Department ("Planning Division") may prepare an Infill Community Plan. For sites comprising less than 40 contiguous acres, only the Planning Department may prepare an Infill Community Plan.

The following Community Types are allowed within the new Growth Sector Land Use Categories:

	Clustered Land Development (CLD)	Traditional Neighborhood Development (TND)
(G-1) RESTRICTED GROWTH SECTOR	X	
(G-2) CONTROLLED GROWTH SECTOR	X	X
(G-4) INFILL GROWTH SECTOR		X

Each Community Type shall include the range of Transect Zones (T-Zones):

	Natural Zone (T1)	Rural Zone (T2)	Sub-Urban Zone (T3)	General Urban Zone (T4)	Urban Center Zone (T5)	Special Urban Center Zone (T5.5)
	THE NATURAL ZONE consists of lands approximating or reverting to a wilderness condition, including lands unsuitable for settlement due to topography, hydrology or vegetation.	THE RURAL ZONE consists of lands in open or cultivated state or sparsely settled. These include woodland, agricultural lands, grasslands and irrigable deserts.	THE SUB-URBAN ZONE consists of low-density suburban residential areas, differing by allowing home occupations. Planting is naturalistic with setbacks relatively deep. Blocks may be large and the roads irregular to accommodate natural conditions.	THE GENERAL URBAN ZONE consists of a mixed-use but primarily residential urban fabric. It has a wide range of building types: single, sideyard, and rowhouses. Setbacks and landscaping are variable. Streets typically define medium-sized blocks.	THE URBAN CENTER ZONE consists of higher density mixed-use building types that accommodate retail, offices, rowhouses and apartments. It has a tight network of streets, with wide sidewalks, steady street tree planting and buildings set close to the frontages.	THE SPECIAL URBAN CENTER ZONE consists of the highest density, with the greatest variety of uses, and civic buildings of regional importance. It may have larger blocks; streets have steady street tree planting and buildings set close to the frontages.
CLD	no minimum	30% MIN	10 - 30%	20 - 50%	prohibited	prohibited
TND	no minimum	no minimum	10 - 30%	30 - 60 %	10 - 30%	prohibited

Placemaking Goals and Policies

Guidelines are needed to guide the development of greenfield or infill neighborhoods (mixed-use neighborhoods) within the city limits of Lawrence.

Mixed-Use Neighborhood Land Uses

GOAL 1: Establish Mixed-Use Neighborhood Growth Areas (Sectors)

Mixed-Use Neighborhood Growth Areas are needed in key locations throughout the City of Lawrence. The character of each mixed-use neighborhood should be determined by its Growth Sector and its Community Type.

Policy 1.1: Establish Growth Sectors

- a. Define Growth Sector types and requirements (G1 Restricted Growth, G2 Controlled Growth, G4 Infill Growth).
- b. Direct more intense development to areas with existing infrastructure.
- c. Limit development in areas with natural and agricultural resources.
- d. Maintaining and protecting the vitality of Downtown Lawrence is important to the citizens of Lawrence. G3 Intended Growth Area shall not be permitted by right since a secondary Regional Commercial District is not planned to compete with Downtown Lawrence.

Policy 1.2: Establish Community Types and Development Standards for each type.

- a. Define Community Types and requirements (Cluster Land Development, Traditional Neighborhood Development).
- b. Direct higher intensity Community Types to areas with existing infrastructure.
- c. Maintaining and protecting the vitality of Downtown Lawrence is important to the citizens of Lawrence. Regional Commercial Districts shall not be permitted by right since a secondary Regional Commercial District is not planned to compete with Downtown Lawrence.
- d. Direct lower intensity Community Types to areas with natural and agricultural resources.

Policy 1.3 Establish mixed-use zoning categories as the building blocks for Community Types

- a. Establish mixed-use zoning categories based on the rural-urban transect to provide the elements for Community Types (T1: Natural, T2: Rural, T3: Sub-Urban, T4: General Urban, T5: Urban Center, T5.5: Special Urban Center).
- b. Maintaining and protecting the vitality of Downtown Lawrence is important to the citizens of Lawrence. The most intense mixed-use zoning category (T5.5: Special Urban Center) is reserved for downtown.

Policy 1.4 Establish the Lawrence SmartCode as an optional tool for development in the city limits of Lawrence.

GOAL 2: Establish Open Lands Areas (Sectors)

Open Lands Areas are needed in key locations throughout the community to preserve natural and agricultural land.

Policy 2.1: Establish Open Lands Sectors

- a. Define Open Lands Sector types and requirements (O1 Preserved, O2 Reserved).
- b. Direct more intense development to areas with existing infrastructure.
- c. Limit development in areas with natural and agricultural resources.

GOAL 3: Establish street and thoroughfare types that support the development of mixed-use neighborhoods.

Streets should be designed to support the land use that the community articulates in its vision.

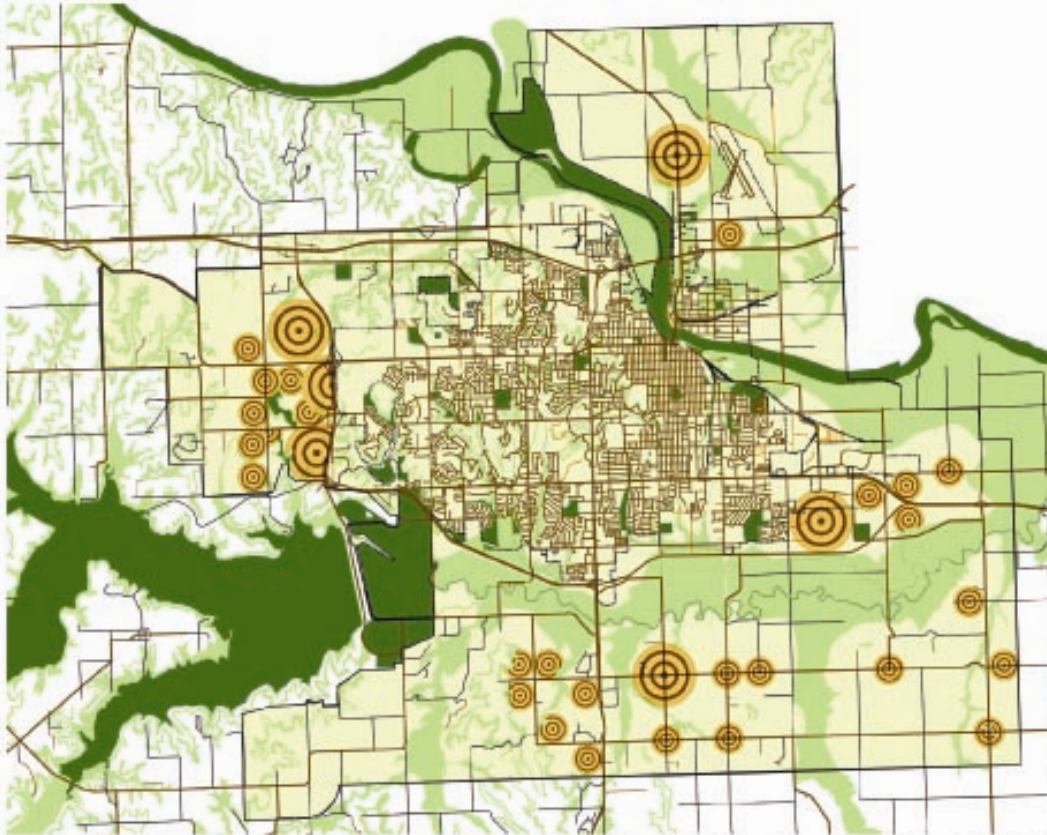
Policy 3.1: Define requirements for various street and thoroughfare types, including consideration of multiple travel modes (auto, pedestrian, bicycle, transit).

- a. Utilize thoroughfare types identified in the Lawrence SmartCode.
- b. Identify opportunities for additional connectivity on the east side of Lawrence. Look for options to add more two-lane streets.
- c. Limit widening of existing roads.
- d. Encourage shared use of roads. Target bicycle lanes to only those roads that do not allow for shared use (speeds over 35 mph, grades above 6% for extended lengths, long blocks, or very high-volume traffic).

LAWRENCE SMARTCODE SECTOR PLAN



The following Lawrence SmartCode Sector Plan is applicable only to property that has been annexed by the City of Lawrence.

LAWRENCE, KANSAS SMARTCODE CALIBRATION SECTOR PLAN



A key issue to citizens of Lawrence is how and where growth will occur. The Sector Plan for the city addresses the most beneficial locations for growth, and also puts in place a mechanism for protecting the rolling hills, key drainages, wetlands and prairie.

In the SmartCode there are six specific Sectors that establish where development is allowed. Two Sectors (O-1, O-2) are for open lands (Preserve and Reserve) and the other four (G-1, G-2, G-3, G-4) are for urban growth of varying intensity (Restricted, Controlled, and Intended Growth Sectors for new communities, and the Infill Growth Sector for existing urbanized areas.)

-  O1 Preserved Open Areas that consists of areas protected from development in perpetuity. This Sector includes areas under environmental protection by law or regulation, as well as land acquired for conservation through purchase or by easement.
-  O2 Reserved Open Areas that consist of open space that should be, but is not yet, protected from development.
-  G1 Restricted Growth Areas that have value as open space but are subject to development
-  G2 Controlled Growth Areas where development is encouraged, as it can support mixed-use by virtue of proximity to a thoroughfare.
-  G3 Intended Growth Areas along high-capacity thoroughfares that can support a substantial commercial program.
-  G4 Infill Growth Areas consisting of traditional urbanism and/or conventional suburban developments. Both subject to revitalization or infill according to Article 4.

No G3 is permitted by right since a secondary Regional Commercial District is not planned to compete with Downtown Lawrence. The target size within G2 indicates a cluster development or traditional neighborhood development.

ready to be transferred to the County. She did not believe the City Commission was at any risk and asked to commend staff for the work they did.

She said the memo the Planning Department prepared with the number of notices and contacts met the mandatory minimum and smothered everyone with notice. It was hard to say that no one had actual notice of the sector plan and the deliberations surrounding it.

Commissioner Amyx thanked staff for their work and the additional information provided. He knew it was quite a bit of work to provide on a very short notice. He said if someone brought forward a plan to revise the sector plan, he asked if that could be done in the future.

McCullough said it was possible if initiated by the Planning Commission or the City Commission.

Commissioner Amyx said there were important items for open space that people in the area brought forward.

Ordinance No. 8358/County Resolution No. 09-01, amending Horizon 2020, Chapter 14, Specific Plans by approving and incorporating by reference the K10 & Farmer's Turnpike Plan (CPA-2008-9), was read a second time. As part of the consent agenda, it was moved by Hack, seconded by Amyx, to adopt the ordinance. Aye: Amyx, Dever, Chestnut, and Hack. Nay: Highberger. Motion carried. (12)

Consider the following items related to Lawrence SmartCode:

- a) Consider approval of CPA-2007-6, a Comprehensive Plan Amendment to Horizon 2020 by creating Chapter 15 – Place Making to ensure proper comprehensive plan language is in place for the proposed Lawrence SmartCode in the City of Lawrence.
- b) Consider approval of CPA-2007-7, a Comprehensive Plan Amendment to Horizon 2020, Chapter 14 Specific Plans, to add a reference to the Lawrence SmartCode Infill Plan.
- c) Consider adopting Text Amendment TA-11-24-07 regarding the Lawrence SmartCode and, pursuant to the provisions of K.S.A. Chapter 12 Article 7, enacting a new Chapter 21 of the Code of the City of Lawrence, Kansas, establishing comprehensive zoning regulations and other land use regulations.

Consider adopting Ordinance No. 8286 on first reading regarding TA-11-24-07 for the Lawrence SmartCode.

Dan Warner, Long Range Planner, presented the staff report. He said there were three items related to the Lawrence SmartCode. The first item was the code itself and then the two comprehensive plan amendments that helped establish the policy to the SmartCode. He said all of those items were unanimously approved by the Planning Commission on May 21. The purpose of the Lawrence SmartCode was to promote Lawrence traditional neighborhood design. It would expand the Lawrence developmental kit by providing an option for developers to design TND neighborhoods. It was a transect based code which basically meant that development was organized according to different levels of urbanism. The code specified form standards and regulated uses, emphasized natural features, mixed land uses, and required open space. The intent was to develop more compactly and develop the needs of neighborhoods. The SmartCode developed bonus incentives, similar to the mixed use district, which changed a little bit. The idea was to provide incentives to promote affordable housing, promote transit supported development, and promote production of environmental quality.

He said the first set of changes were the major changes that occurred when the Planning Commission discussed the SmartCode. Staff went to the Planning Commission three different times with different drafts of the SmartCode and all the changes they made revolved around the development processes of the code. What was approved was a Consolidated Review Committee, the CRC, which approved in this draft. The CRC would administratively approve Article 3 and Article 5 applications. The CRC would be a staff group and would not have any Planning Commissioners.

He said the next group of changes was after the Planning Commission approved the draft and were minor changes for clarification and to clear up conflicts. An administrative notice letter was discussed at the study session in which language was changed to make the appeals process clearer and inserted the correct graphic for the thoroughfare.

Regarding the greenfield process, the first step was rezoning. It was the exact same process that was used under the Development Code and was a public hearing process. After rezoning, a developer could apply for a new community plan which was CRC administratively approved. After that community plan was approved, the developer could seek their building scale approvals which were the site plans and was administratively approved by the CRC.

He said on the infill redevelopment process, rezoning would have the same process and there would be a concurrent review for the infill community plan. The City Commission approved this development plan concurrently with the rezoning. After those approvals were met, the site plan would be approved. He said the process was similar to what they did under the Development Code now and the rezoning was the same process. Staff currently processed site plans administratively under the development code. The difference was the new community plans were CRC administratively approved, the preliminary development plans in the Development Code was Planning and City Commission approved, and the final development plans were administratively approved. It was thought with this draft, they had arrived at a good compromise with public and administrative processes. He said if the Commission thought they were not quite there yet, one option would be to change the Article 3 approval to be similar to what happened under infill. The infill community plans had City Commission approval. It was possible to make the Article 3, new community plans, City Commission approved. Generally the code regulated form and uses. It would be parallel to the existing land development code. It was an optional code that could only be used if the property was in the corporate limits of the City of Lawrence. The code would not be mandatory anywhere. The use of the code would be an all or nothing choice and users would not be able to cherry pick items from this code and apply it to the existing code. It accommodated both greenfield and infill and would become Chapter 21 of the City Code if adopted. They were asking for an effective date of July 1, 2009, to accommodate some training. It was a similar process that was used when the code was adopted.

He said the City Commission received information from David Dunfield prior to the December meeting in which the SmartCode would be discussed regarding architectural standards and those sections listed were the standards. Most communities that adopt a SmartCode did not actually adopt the architectural standards. They were meant to plug in or out of the code and not integral to the form or design of the code. During the charrette, pulling the architectural standards out was discussed, but the comments that were received during the charrette led the consultant to believe they were favorable for the architectural standards. Deviation from those standards could be available through a warrant approval which was an administrative approval. There was a process for deviation to the standards. If in the future, if it was decided that architectural standards process was not working well on some of those projects, they could revise or remove those standards in the future.

He said CPA-2007-6, creating Chapter 15, Place Making, was to ensure the policy and comprehensive plan supported the SmartCode. CPA-2007-7 was the SmartCode infill plan. It contained three areas; 19th and Haskell, 23rd and Louisiana, and 25th and Iowa that were planned by Place Makers according to TND principles during the charrette. The approval of this plan would allow property owners in those areas to seek approvals under the SmartCode assuming they followed those plans. He said staff recommendations were to approve the SmartCode by enacting Chapter 21 and approve the two comprehensive plan amendments.

Commissioner Hack asked if the process was changed for greenfield development to reflect the same process that was outlined for infill, which included City Commission approval of the community plan, would that be a substantial change that needed to be returned to the Planning Commission or could the City Commission approve it this evening.

Warner said it would be substantial, but it could be done with 4 votes.

Commissioner Amyx asked if that was an important part of this approval.

Commissioner Hack said yes.

Commissioner Amyx said the SmartCode was new and rather than changing the process to reflect the current Development Code by this body, he asked if Commissioner Hack's idea would make this code better.

Commissioner Hack said she thought it would be more effective if there was that additional step of the City Commission approval in terms of a procedural step. She said the CRC and the City Commission approval as it existed, with infill, was also appropriate for the greenfield.

Commissioner Amyx said the correspondence had everything to do with participation and having the City Commission address it. The Code was new to Lawrence and if there was a code that worked in going through the same process as the Development Code it would be a lot easier sell in the future.

Warner said if the Commission went that route and made that change, staff needed time to change the draft.

Commissioner Amyx said since the effective date for the new code was July 1, 2009 he asked if the code could be adopted with changes that might come forward between now and July 1st.

Warner said that was plenty of time to get those changes completed.

McCullough said if it was the Commission's desire to adopt that code, staff would hold off with the ordinance portion and make those changes and then bring it back to the City Commission for first and second reading.

Commissioner Highberger said if there were four votes or more, it would not need to go back to the Planning Commission and that process would not get reinitiated.

Mayor Dever called for public comment.

Kirk McClure, Lawrence, said certain districts would be designated as appropriate for development under this code. Once designated and zoned, no further public input would be permitted on the development proposal as it came forward. The development plan within the

district was appropriately zoned; it would go to a staff committee, the Consolidated Review Committee. The CRC looked to its architectural design standards and if it met the guidelines, the building permit was issued within 60 days. There was no review by the Planning Commission and there might be no review by the City Commission unless there was an appeal and the standards for meeting an appeal were very, very narrow. Public input was normally only received at Planning Commission and City Commission and there was no public input in the process. The SmartCode assumed that if the land was zoned, the developer could move to a building permit within 60 days if it met certain architectural requirements.

He said there were a set of things completely wrong with that idea. First off, this code was an example of political double speak. It was a SmartCode when it was nothing of the sort. The phrase "smart" was a cutesy word taken out of advertising. Within the planning context, the word "smart" had meaning; growth management. The trend for smart development codes had been around for 30 plus years and it was because they discovered over time that there was a tendency within the building industry to overbuild, that this harmed communities, and communities have learned to fight back and brought rational pace of growth to their community. Sadly, Lawrence had not been one of those communities. Lawrence suffered from being overbuilt and had an enormous inventory of unsold new homes, a big inventory of unsold existing homes, especially in the older neighborhoods, an inventory of empty and blighted shopping centers, and a lot of leased office space that was sitting empty. The City could have prevented this easily by being smart, but chose not to. Perhaps the only good thing that had come out of this economic downturn was it brought a halt to the spree of overbuilding. The banks had pulled the plug on the developers and told the developers if they could not bring pre-lease agreements on retail space, the bank would not trigger the loans for shopping centers. The city had approved multiple shopping centers on West 6th, but no building activity was going on because the banks would not trigger the loan. He said while the economic downturn had brought this overbuilding to a halt, the City needed to right-size the building industry for when

the economy turned around. It was what a truly smart code could do for the city, unfortunately, despite its name; there was no smart mechanism within this code.

There still was a mechanism where it called for a market analysis, but this was done by the developers. They all knew the phrase used for those developers which was “the liars for higher.” They would go out and generate a report that said whatever the developer wanted it to. Those things were flat out wrong and the City needed to charge their own staff with the market analysis. If the City did not have the skills with current staff, he suggested hiring a consultant, but a consultant who answered to the City. The City needed to learn to read those signals so they could set the pace of growth. Right now, the absence of not reading those signals, the City was hurting the good developments in this town. The Hobbs-Taylor building was still looking for tenants, the 600 block of Massachusetts was still looking for tenants. Those were top quality developments that ought to be setting the standards for occupancy in this town and were sitting empty. It was the pain of going through the overbuilding. The “Smartcode” was anything but smart.

He said the second issue was public input. At this point, what the City had done was traded away public input for very modest gains in the design. The assumption of the SmartCode was that the City could gain improved design by granting fast track authority to the developers. The costs were great and the benefits were minimal and perhaps non-existent. The public was effectively excluded. When the SmartCode first came out, there was no public notice. Now the developer provided a mechanism that if someone lived within 200 feet of the district, a notice would be received. Even if a notice was received, there was no mechanism to have a public review of this process because the Planning Commission’s review was eliminated. There was no notification process and no right of appeal other than for those few people who lived in that sliver of land adjacent to the property. In fact, the City had traded away the public input. He asked what the supposed benefits of this were. The benefits of traditional neighborhood design were illusory and unproven. Illusory was a dream that they would make

significant changes between where they lived and where they were. Lawrence was a college town and had been for a very long time. Over 9,000 people work at the University of Kansas. The University was not going to change where it located those employees. Hallmark, Pearson and others were other major employers who were not likely to make major changes in where the employment was. The separation between residents and place of work was not going to change for the vast majority of workers in this community. Yes, there was a home office process that was going on since the 1980's and it was going to happen with or without the traditional neighborhood design. They were not going to make big changes. Those benefits were also highly unproven. The new urbanism of traditional neighborhood design had been around for quite a while and there had been an awful lot of good research on it. They were not finding the economic benefits of it and not finding improved property values. They were not finding the economic benefits, improved property values, did not increase the sell ability of properties or a lot of great benefits from it.

The SmartCode did nothing to resolve the problems of housing affordability. Cities across the nation were moving along with this problem and the most common tool was inclusionary zoning. Inclusionary zoning mandated that a percentage of units in all new residential developments be set aside for affordable housing units. The SmartCode said much on this but did very little. It set up a system of incentives, which were a little more than density bonuses. They were in exchange for inclusion of such features such as affordable housing, bus stops, green roofs, and so forth.

He said density bonuses had been shown to be relatively little value. They allowed a developer to allow a few more units to an existing site. If they were in a location where the land was a very high percentage of total development costs, it might have meaning. Land costs were a low percentage of total development costs and density bonuses would get them nowhere. The developers would do little or nothing to leverage those bonuses. If the City was serious about affordable housing, this code did nothing and would fail what it set out to do.

He said the City had a set of design guidelines. The guidelines were weak and it was offered to take them out of the code to make them further discretionary. He said this ordinance would create a staff committee, a staff committee without public notice requirements, a staff committee that was not obligated to receive public input, and a staff committee that was under an obligation to make its decisions very quickly. Staff was subject to political pressure. Staff had admitted in various settings that those would be closed meetings. This Commission enjoyed a very unenviable reputation. They were the City Commission of secret meetings and if this code was passed, the Commission would be institutionalizing a new set of secret meetings. The neighborhoods would not know about this development and it would be 60 days from proposal to building permit and the neighbors would find out about it when the building permit was posted. By that time, it was too late.

He said if the City wanted design guidelines, he asked that it be done the right way and smart way, which was to mandate it. The City Commission would lay it out and say that the developers who wanted to meet the guidelines they would be the first to get the building permits. Rather than trade away public input, the City should make the developers compete for the designation of the designated developer for those particular projects. They should compete and appeal to the City Commission to make this the best possible way for this to go forward. They had to have effective growth management to make that work. Rather than let the development community set the pace of growth and saying yes to every shopping center that came along and every subdivision that came along, the City needed to manage that growth and figure out how many square feet of retail space that could be absorbed and only allow that amount to be built each year. Figure out how many subdivisions that could be absorbed every year. It would probably be less than what the developers were willing or like to put forward. That was how the City would get the developers to compete and then could have the public input on which were the best possible ones. The City should not continue to let the private development industry set the pace of growth to prevent the kind of problems they were facing

now. If the City Commission wanted affordable housing in this town, they needed to adopt an inclusionary zoning ordinance. Density bonuses were not going to do it and public input should always be part of the planning process and need not be sacrificed.

Gwen Klingenberg, Lawrence, said recently the paper had an article about the City Commission's concerns for affordable housing and the SmartCode was the ideal place to require an affordable housing component. As a member of the Housing Needs Task Force, she heard the concerns of the development community of not being able to build affordable housing and complained about things like land prices and other things that cost the builders to have to build above a certain price point. As she told the Planning Commission, when developing large acreage of new development, there was room for a percentage of affordable houses. Lot sizes could be smaller, live/work development and cluster development were great ways to build affordable housing. When they were dealing with large lots, variances and warrants were not going to be needed enough for the incentive package that was now part of this document and therefore affordable housing should not be incentivized as a hope and not a reality.

She said she pulled up the SmartCode from PlaceMakers and noted that the word "should" in the purpose section of the document were blue, just as the section for municipalities, adoption dates and other interchangeable language. She asked the point of creating a document that was supposed to be a community visioning if leaving all the actual purposes to the developers and not the community. If they really wanted to retain the region's natural infrastructure, visual character, encourage infill development, development to be contiguous and not sprawl, traditional neighborhoods, connectivity, pedestrian orientation and affordable housing, they should make it a requirement. The blue words (should) in the PlaceMakers purpose section allowed the vision of the community to set which should be "shall" and which should be "should." This document had set none of the words "shall" in the purpose section. If they left the door open, they would be amazed at what they would actually get. They should

take care to require and make a “shall” instead of a “should” under purposes or the purposes would be dismissed.

She said under “preserved” and “reserved” open sectors, there were three very important terms that would be under “preserved” and should not be developed, which included legacy woodlands, legacy farmlands, and legacy view sheds. Those were spaces subject to development without the public hearing of the City Commission under the reserved open sectors. There was a City Commission hearing if they were under “preserved”, but not “reserved.” She asked what the point of legacy was if they had no intention of honoring those areas for future generations.

She said as for the CRC, it took the community out of the process. The biggest issue was the loss of transparency and the democratic process with this code. Several Kansas statutes referred to requiring a public hearing if they were going to make new streets, easements, affect property values and many other things. The state required a hearing and as for the open meetings act, the CRC would be making those decisions behind closed doors. At no time was a project so needed and desperation so set in that Lawrence would need to abandon the democratic process of public input or the loss of transparency in the City's process. This document, as written, removed the constitutional and state protected rights of taxpayers and residents of Lawrence to allow public discussion on their own growth and quality of life. She said she talked to other communities who have adopted a SmartCode and the CRC was also a big issue. She did not talk to any City that was using a CRC. It was either transferred to the Planning Commission or city council. She pointed out this document was very specific when it came to windows and where building façade went. Lawrence was an art community and triangle windows were all around the community. She asked why they were being so specific about windows when they were not being specific about the community vision. This document was backwards in thinking and needed to be rethought. This document stipulated too much on the materialistic and not enough on the vision and democratic process of Lawrence, Kansas.

Luke Bell, Lawrence Board of Realtors, commended the Planning staff for their work. It was a two or three year process and had been through the process quite a bit and multiple changes had been made. He said several commentators talked about the pace of growth and using smart growth to limit growth in the community. He said he would like to emphasize that the SmartCode was not intended to be a no growth or antidevelopment code. It was simply about quality of life and creating walkable neighborhoods, quality of life in the community, attractive design, preserved green space, encouraged quality neighborhoods and was not about limiting growth or making an antigrowth community. It was about improving the quality of life in their neighborhoods and thought that was what the SmartCode should be tailored to.

He said he also wanted to emphasize that the residential and commercial development was not one size fits all, which was why they were encouraged by the fact that the SmartCode would be parallel to the existing development code. He urged the City Commission to retain that feature of the SmartCode. It was not going to work for every type of development, but over time would need to be tweaked. Certain developments would go first and see how it worked. Two or three years down the road the City Commission could take another look at the SmartCode but for now, they urged the City Commission to retain its parallel existence to the current development code.

Commissioner Highberger asked Warner to comment on items Klingenberg mentioned in her comments.

Warner said he thought Klingenberg was speaking under the Purpose Section 1.2, which were policies the code was implementing and there were a lot of "shoulds" that meant it was a great idea, but not making you implement all of those policies and he thought Klingenberg preferred to see "shalls" in most of the statements, such as affordable housing.

Commissioner Highberger said those were not design standards.

Warner said correct. They were general purpose statements.

He said Klingenberg was quoting Article 2, "Preserved Open and Reserved Open. It came straight from the Model Code. Article 2 was not tweaked much because a sector plan was prepared for the City by PlaceMakers. The purpose of Article 2 was to prepare sector plans. He said it was similar to what would be adopted in other places because it had not been changed from the model.

Commissioner Highberger asked if Warner had recollection why some things like surface water bodies were in the preserve sector and other things like floodway were in the reserve sector.

Warner said flood fringe could develop with an H&H study and those sorts of things. The floodway for utilities, the existing code did not limit those exactly either.

Commissioner Highberger said the preserved things were things that were legally protected and the reserved things were things the intent was to protect but the legal protections were not in place yet.

Warner said yes, that was how it was discussed during the charrette.

Commissioner Amyx said during the study session discussion took place on how the CRC would operate.

Scott McCullough, Development Services Director, said as staff thought about the process, it would be similar to how site plans were processed today that had zoning in place. That was a process of public notice to the adjoining property owners and neighborhood associations. It was not notice of a certain meeting, but notice that the information was out there. They also had a practice now of including site plan graphics on the City's online notification so Neighborhood Associations could look at the site plan in a moment's notice once posted on a weekly basis. The actual process of site plans in the current code or certain articles of site plans in the SmartCode would happen in one or a series of meetings of internal staff meetings where the code was reviewed, processed, a determination was made and then the appeal period started. It was just what staff did with the site plans today and proved to be pretty

effective with neighbors and Neighborhood Associations. Staff was speaking with those associations before staff made decisions. The City Commission had an opportunity to add a layer of review of the governing body which was more akin to the way preliminary and final development plans were processed previous to the new Development Code. Staff would still do the administrative process, but then the City Commission would be the decision maker and not the CRC. He said that might be appropriate also.

Mayor Dever said in the Planning Commission meeting minutes, Klingenberg mentioned the CRC was needed, and asked her if she now was saying that committee was not ideal.

Klingenberg said she never had approved of the CRC so the Planning Commission minutes must be inaccurate. She said in all her speeches she had a concern for land and neighborhood involvement was very important. She said LAN pushed for the involvement that was part of the infill development, but would also have green fields that would be next door to neighbors and they had a community that wanted to be involved in growth, but the CRC took that away.

Mayor Dever asked if Klingenberg's biggest concern was the CRC was not using the public hearing process, the fact that the committee existed, or the process by which those things would be evaluated.

Klingenberg said the fact the discussions were behind closed doors and there was no public input. With their state statutes, if they were dealing with putting in roads, easements or something that was going to be done to affect the property values, the state required a public hearing if that issue was created. She never supported the CRC as a private, behind closed doors discussion.

Commissioner Highberger said there were good points about the architectural guidelines. He asked if this was adopted, did Klingenberg prefer to see the architectural guidelines gone over and improved or done away with entirely.

Klingenberg said because they were trying to create a certain look they needed the architectural guidelines. She thought the current guidelines needed a lot of work.

Mayor Dever asked Warner if he had talked to other communities that have adopted the SmartCode. He said the whole CRC seemed contentious. He asked if Warner talked to anyone who indicated the CRC was an effective means in evaluating this type of guideline or activity.

Warner said he had not really spoken to communities about the CRC. He thought it was an issue because it was a completely different process than what normally happened through a rezoning development plan process, but it was not entirely different than what was being done with the development code and administrative process. He said he thought Lawrence was closer than some communities on the administrative side of things.

Mayor Dever asked the inference that those were to be closed meetings, could the public not give any input when making those decisions. He said he was wondering about the transparency of this process. He said using the current City's code he asked how transparent it was relative to how the CRC would behave.

McCullough said it would behave similarly and tried to mirror the Development Code. This had been a compromised position throughout the process. One of the things the consultant talked about was an incentive for this code. If buying into its benefits and elements that could be beneficial to create neighborhoods, one of the incentives for some communities had been to streamline the process. He said there was a hearing for rezoning and establishing whether to enter into the SmartCode and then in turn an administrative process for the prescribed parts of this code. He said he would not characterize what they did now in the Development Code as secret or closed meetings. It was a very open process, had a lot of notice to the community, they were open to receiving notice and having meetings with people who had issues with certain plans. They also had the appeal process to the SmartCode. The question was had the new code gone far enough in terms of its public input. They would have it at the rezoning level, the planning level for infill, and it was the fringe or the greenfield

developments that would not necessarily affect the current higher density neighborhoods where staff thought the compromise might be to keep it streamlined, but again it was how the governing body felt was appropriate for this code.

Commissioner Hack said as they worked their way through the Development Code, the issue of administrative approval for site plans was something different as well. She said she still thought the additional Commission layer was good for infill and greenfield development, but that particular portion of the development code people were concerned because it had been something the Commission had done which had proven to be effective with staff review. Sometimes it was just getting used to something, but she still believed that greenfield development should reflect the same kinds of process the infill did in the SmartCode. She said she would be more comfortable if it had that extra layer.

Mayor Dever said he was not sure everyone grasped the concept Commissioner Hack was describing in that it would be more arduous to do greenfield Development.

Commissioner Hack said infill developments were smaller areas that were already designated, but the greenfield would be a larger development. She liked the idea of the CRC viewing and working their will on it as well because those gave the expertise with the utilities, fire codes, and how it complied with the code itself. Bringing it to the City Commission made sense and following the CRC, rezoning would be the same process, the community plan would have the CRC approval and then come to the City Commission.

Mayor Dever asked if the size of the development was the hurdle or the trigger for requiring the additional step or was it because of the impact it might have on the community.

Commissioner Hack said both. Infill development could be challenging for both parties and putting the City Commission in the middle did make sense in terms of the City Commission hearing both. The greenfield development was a huge new neighborhood design. If the City Commission believed that traditional neighborhood design was important, which was something

the City had been moving toward for a long time then the Commission had to make it fiscally and feasibly appropriate for both developers and existing neighborhoods.

Commissioner Highberger said one of the reasons he ran for City Commission in 2003 was because he looked around his neighborhood and downtown Lawrence and thought there were some really good things about it and wondered why no one was building neighborhoods like that anymore. He realized one of the reasons was because it was illegal. They could not build the things he liked about the City in the current zoning code. He said fortunately they were able to find the funds to secure the PlaceMakers grant, had the design/charrette process, and were getting to the point they were now.

He said this code was not going to solve every problem in the City of Lawrence. He agreed with McClure that growth management was probably a good idea and did not think there were three votes on the City Commission to do that right now and killing this code would not get them closer. Likewise, with inclusionary zoning, when he was Mayor he called together an Affordable Housing Taskforce and inclusionary zoning proposal was one that came out of that and it did not get anywhere.

He said public input should always be a part of the development process. He helped encourage the start of this process and his goal was to have Lawrence, Kansas have a code that would allow traditional neighborhood design to occur and preferred that type of design to be mandatory for all new development, but again, he did not have the votes for that idea. He was ready to move forward with an optional code. If an optional code was going to be used, it had to be preferable to the City's parallel code or it would not get used and the entire process would be useless.

He said he did not think compromising in the public process was the way to get there. He was happy to hear at least four commissioners saying they were willing to make changes in the current draft to change the approval process for greenfield development to be the same as for an infill development, which did require the entity preparing the development plan to meet

with and involve the neighborhoods adjacent to the project prior to submitting the plan. The language needed to be tweaked somewhat for infill development which might or might not have any active neighborhoods adjacent to the project. The notification process for the greenfield developments needed to be altered and a broader notice might be needed. He disagreed with some of the characterization of this code and thought the code had substantial requirements for connectivity of streets and street design requirements because there were requirements for a certain percentage of commercial development within neighborhoods. Having this option would make it possible for more citizens to live where they work, shop where they live, and to do things like that. There were studies showing that vehicle miles decreased for households living in TND neighborhoods.

This code was not perfect and would require some modification over the years, but took them a big step forward. He said with the suggested revisions he strongly support the proposed code.

Vice Mayor Chestnut thanked the three Commissioners who had been through this process because it had been a long one. He said one thing that was important to him as this code developed was an opposite opinion of Commissioner Highberger which was the proposed code was not trying to be a growth regulation type of proposal. There was some irony in some of the comments made regarding not being able to change employers and where people work and where they live, and yet to turn around and say they wanted to regulate all of the development. He did not see that as being an effective tool. He said this was the right approach, in particular, regarding comments about the vision of the community because there was a whole lot of input taken about the vision of the community. It had been through a significant amount of public comment. At the end of the day, no one got exactly what they wanted, which probably meant it was a pretty good policy because it compromised with a number of stakeholders in the community.

He agreed with Commissioner Hack's comments that a 60 acre tract was something that ought to come before this body and on the other side with a 60 acre tract there was no way that there would not be massive public process and notification. Everyone would know in town because it would be in every paper and everything else. He said he understood that there might need to be some tweaking on public notice, but he supported what the Planning staff was trying to do. He said in the comments on the sector plan, to go above and beyond on notification and to make sure all the stakeholders had some type of vested interest in whatever project was in front, and staff had tried as much as possible, outside of what was legally required, to notify people and to receive as much input as possible.

He said the accusations of nefariousness were great drama, but had little fact. The fact was whether it be the neighborhood associations, the development community, the people who had sat on the City Commission before, all had the best intentions in mind of trying to create what they thought was going to be a great enhancement to this community. It was why he supported it and was exciting to think about something that would entice capital to really look at developing traditional neighborhoods. He spent some time with some people who knew a lot more about it than he did, and they were pretty excited about the opportunity to look at a project like this and look at narrower streets, less turn radius and a lot of things talked about in downtown Lawrence. He said he had even seen developers take that grid of downtown Lawrence and overlaid it onto the west side of town and have this type of design some place else with traditional neighborhood design which was what everyone was trying to achieve and were the goals in this effort. The only way progress would be made was to get something moving and realize there was always work to be done.

Commissioner Hack echoed the gratitude for staff and particularly Dan Warner's work. She said people were fascinated and appreciative of the traditional neighborhood designs. She remembered comments from Commissioner Highberger about how much he liked downtown but the downtown was illegal.

She said they began this journey on the idea of a parallel code and while she appreciated the idea and because it was a great new concept, the newness of it did not allow that type of design for now. Over time, they could work toward that type of design and could become how Lawrence designed neighborhoods. She said if Lawrence desired this type of design, they knew it was cost effective. When doing the fiscal impacts of growth study and TND design was overlaid south of the Wakarusa and in the northwest part of town, if looking at the cost of service in those areas, it was less expensive to put traditional neighborhood design in both of those areas than it would have been with the current development code. She said they needed to make the process cost effective not only for the developers, but for City staff. If involving staff in countless hours of continual meetings over and over again, hitting the same nail with the hammer, it was not a cost effective use of City staff.

She said this concept was approved unanimously by the Planning Commission. She said she would like to see the process for greenfield and Infill Developments be the same because of the size of one type of development and the impact of the other development were parallel in terms of the necessity for public process. She said the City Commissioner layer after the CRC was appropriate.

Commissioner Amyx said several years ago, he had the opportunity to visit with then Mayor Highberger about traditional neighborhood design and that discussion helped him decide that something was needed to establish traditional neighborhood design in Lawrence. The vehicle brought to the City Commission was the SmartCode and public input was heard throughout that entire process. He said this plan was not perfect, but the main concern was public input into the process.

Other concerns were to make sure the appeals process was understood as well as the CRC process.

He said he wanted to mention the letter received by the City Commission from former Mayor Dunfield that talked about taking risks and how this code might be risky, but it was something that was important, and he believed that was a true statement.

There were a number of changes to the development code that was brought to the City Commission which would help with this code. He said he would hate to see this code adopted, but not used because the City Commission would be letting the public down and City staff down.

He said his only concern at this point was the access to the CRC and letting people have access to that process.

Mayor Dever said the City Commission needed to seriously consider the effects of putting restrictions on greenfield development. He was in favor of those restrictions, but he wanted to make sure they were not discouraging the use of those codes because there was no incentive to use those codes. He said he was in favor, but wanted to make sure they were not doing something that would take away the power of this design standard and process.

McCullough said it was a balancing act. He said it was whether or not it was an important incentive to the community when in growth mode. It was hard to predict whether that would be an important element or not. He said the profitability and uniqueness of something like this would be enough incentive to get someone interested in the code. He said knowing what everything needed to look like was a better guarantee in moving forward on the process would lead to an outcome of success. He said it was important to note that this code did not abandon the growth management policies of the comprehensive plan. Anytime a rezoning came before the City Commission, staff had an element in the staff reports, policies of the comprehensive plan. He said staff recently reviewed their first retail market study that showed they were hitting that magic trigger of 8% vacancy. He said staff took those issues to heart and made them part of the public discussion as part of those projects. He said it would be interesting in the future to see whether or not that was meaningful to the development

community and see if they had to go through another month or two of process in a 60 acre development, but staff did not know.

Mayor Dever said he felt like they had addressed the issue of transparency of the CRC. He said it was implicit that staff involved the public and would have a fairer and clearer process. He said he was generally in favor and supported passing the plan amendment, but make sure they include any changes carefully.

Commissioner Highberger said he understood the Mayor's concern and it was obviously useless if it did not get used, but should adopt it with a good public process. A good way to incentivize this was not throwing away the public process, but should provide other incentives in the future if it was not getting used.

Moved by Highberger, seconded by Hack, to approve a Comprehensive Plan Amendment (CPA-2007-6) to Horizon 2020 by creating Chapter 15 – Place Making to ensure proper comprehensive plan language is in place for the proposed Lawrence SmartCode in the City of Lawrence. Motion carried unanimously. (13)

Moved by Hack, seconded by Amyx, to approve a Comprehensive Plan Amendment (CPA-2007-7 to Horizon 2020, Chapter 14– Specific Plans, to add a reference to the Lawrence SmartCode Infill Plan. Motion carried unanimously. (14)

Moved by Hack, seconded by Amyx, to defer for two weeks consideration of approval Text Amendment (TA-11-24-07), regarding the Lawrence SmartCode, and directed staff to come back with amendments regarding the Greenfield Development process; increased notification options; and, options on how to proceed with the architectural design guidelines. Motion carried unanimously. (15)

Maggie's Farm

Home to Pampered Sheep - A Handspinner's Flock
"Where the fiber arts are a way of life."

RECEIVED

JAN 28 2008

City County Planning Office
Lawrence, Kansas

January 24, 2008

Lawrence & Douglas County Metropolitan Planning Commission
City Hall
6 E. 6th Street
Lawrence, KS 66044

RE: Proposed Chapter 15, "Place Making" Horizon 2020 (Draft dated 11/14/07)

Dear Planning Commissioners:

Let me start by introducing myself as a specialty crop and wool producer. I have been fortunate to live in Lawrence for twenty-five years and have been an active member of the Downtown Lawrence Farmers' Market for the past fifteen years. This community's support of local food producers continues to grow as consumers become more aware of the environmental, economic, and health & safety issues associated with consuming foods grown close to home. Local food systems are realizing significant growth potential and we are only at the beginning of this trend. This is why I feel it is in the best interest of Lawrence to preserve its prime farmlands.

The intent of this letter is to give objective data and methodology to the review of the soils of the Kaw River Valley north of Lawrence in Grant Township. This area is designated as G-2 in the proposed Chapter 15, "Place Making" in Horizon 2020 as shown on page 15-7 of the Lawrence SmartCode Sector Plan. This large G-2 icon perfectly overlays on a Douglas County, Kansas USDA-NRCS map showing Prime Farmland Soils. (See attached illustration #1)

These soils are Class I agricultural soils. Taxonomically they are known as the Eudora Series. They consist of very deep (up to 80"), well-drained, moderately permeable soils that formed in silty or loamy alluviums. These soils are on flood plain steps. Slopes range from 0 - 2 %. (USDA-NRCS Official Soil Series Description). These characteristics speak to the soils fertility, tilth, and because of their proximity to the Kaw River, limitless irrigation potential. The science of these soils rates them as Prime - Class 1 and they are not widespread. The Soil Extent Map (See attached illustration #2) clearly defines the extremely limited range of these High-Value Agricultural Soils.

Conversely, these High-Value Agricultural Soils have some severe limitations. I have utilized the USDA-NRCS Web Soil Survey (WSS) site to assist me in documenting these limitations. The Web Soil Survey Site is an extensive database that objectifies the attributes of various soil types. It is a relatively new, on-line tool maintained by the USDA that appears to me to be an invaluable reference in the consideration of appropriate land use scenarios.

The WSS addresses soil properties that affect the capacity of the soil to support various construction types. One option accesses the soil's capability to support small commercial buildings. These buildings are defined as structures that are less than three stories high and do not have basements. The foundation of these structures are assumed to consist of spread footings of reinforced concrete built on undisturbed soil at a depth

of 2 feet or at the depth of maximum frost penetration, whichever is deeper. The ratings are based on the soil properties that affect the capacity of the soil to support a load without movement and on the properties that affect excavation and construction costs. The properties that affect the load-supporting capacity include depth to a water table, ponding, flooding, subsidence, linear extensibility (shrink-swell potential), and compressibility. The properties that affect the ease and amount of excavation include flooding, depth to a water table, ponding, slope, depth to bedrock or a cemented pan, hardness of bedrock or a cemented pan, and the amount and size of rock fragments.

Ratings given to the soils are both verbal and numerical. Rating class terms indicate the extent to which the soils are limited by all of the soil features that affect the specified use. "Not limited" indicates that the soil has features that are very favorable for the specified use. Good performance and very low maintenance can be expected. "Somewhat limited" indicates that the soil has features that are moderately favorable for the specified use. The limitations can be overcome or minimized by special planning, design, or installation. Fair performance and moderate maintenance can be expected. "Very limited" indicates that the soil has one or more features that are unfavorable for the specified use. The limitations generally cannot be overcome without major soil reclamation, special design, or expensive installation procedures. Poor performance and high maintenance can be expected.

All the soils in association with the SmartCode's large bull's eye G-2 designation North of North Lawrence are rated "Very limited". This rating holds consistently for small commercial buildings, houses without basements, and houses with basements. For your review I have printed the table for small commercial buildings. (See attached Table #3)

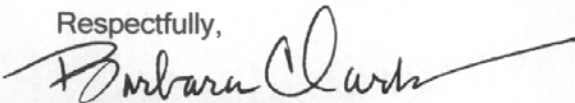
If I may return for a moment to the USDA Official Soil Series Description for the dominant Eudora Series. This description states, "Slopes range from 0 to 2 percent." This presentation of the soil on virtually flat terrain poses another serious and costly limitation to development. Urban development requires sewers and there is insufficient fall across this area for sanitary sewers without multiple, frequent, expensive lift-pump stations. Another important consideration is in the real likelihood of flooding these lift-pump stations will be prone to failure. The consequences of this failure will be extremely costly and damaging.

Examining these soils using empirical methods seems to support the reasonableness of maintaining these rare, prime farm soils for their greatest worth, our county's future agricultural needs. Anything other than agricultural zoning for these soils would seem extremely counter-productive, costly, and ill advised.

I am also keenly aware that we must also give worth to landowner's rights. I would like to propose that mechanisms such as Transferable Development Rights, Agricultural Easements, and Purchase of Development Rights Programs be investigated. Many states have models in place where these instruments have been used successfully to preserve prime farmland. Citizens for Responsible Planning is working towards a Land Summit where presenters will educate interested parties. Our hope would be that farmers and landowners, city and county officials, planning and zoning boards, economic development agencies, planners, extension educators, state and federal agencies, land trusts, and others interested in the future of Kansas agriculture would participate.

It is my hope that prime farm soils can be valued for their rare and endangered status as well as their economic development potential for our future. I would respectfully ask that the G-2 designation illustrated by the large bull's eye in Grant Township be removed. I would further request that the designation be changed to O-2. There is much work to do to understand how we best preserve and utilize these High-Value Agricultural Soils.

Respectfully,



Barbara A. Clark
Maggie's Farm

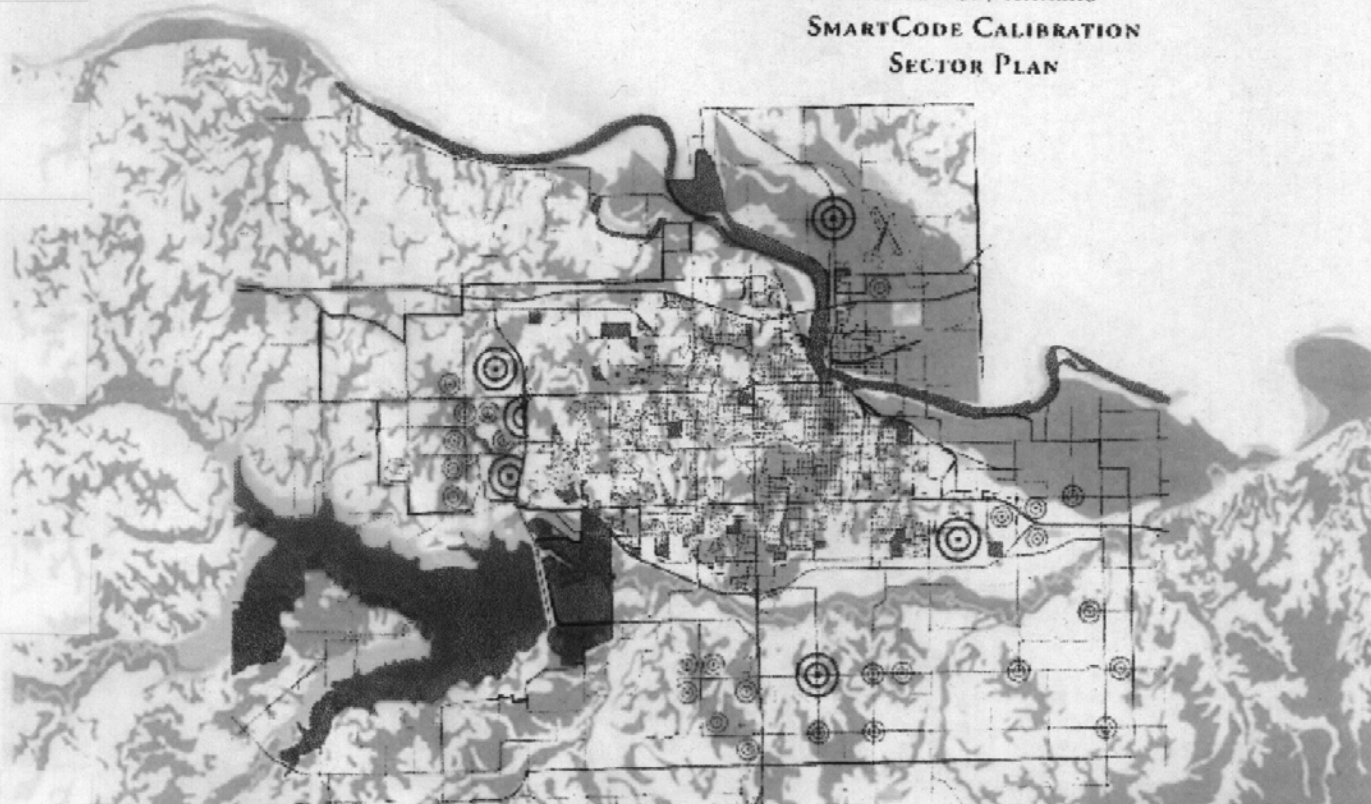
DOUGLAS COUNTY, KANSAS

Lawrence SmartCode Sector Plan

The following Lawrence SmartCode Sector Plan is applicable only to property that has been annexed by the City of Lawrence.







1999 GIS Map from USDA-NRCS Soil Conservation Service

LAWRENCE, KANSAS
SMARTCODE CALIBRATION
SECTOR PLAN



A key issue to citizens of Lawrence is how and where growth will occur. The Sector Plan for the City addresses the most beneficial locations for growth, and also puts in place a mechanism for protecting the rolling hills, creeks and riparian wetlands and prairie.

In the SmartCode there are six specific Sectors that exist in where development is allowed. Two Sectors (G-1, G-2) are for open areas (Preserve and Reserve) and the other four (G-3, G-4, G-5, G-6) are for urban growth of varying intensity (Restricted, Controlled, and Intended Growth Sectors for new communities, and the Infill Growth sector for existing urbanized areas).

-  G-1 Preserved Open Areas that consists of areas protected from development, in perpetuity. This Sector includes areas under environmental protection by zoning regulation, as well as land acquired for conservation through purchase or by easement.
-  G-2 Reserved Open Areas that consist of open space that should be, but is not yet, protected from development.
-  G-3 Restricted Growth Areas that have as little as open space that is subject to development.
-  G-4 Controlled Growth Areas where development is encouraged, as it can support in use due to its proximity to a major highway.
-  G-5 Intended Growth Areas along major roadway thoroughfares that can support a diversified commercial program.
-  G-6 Infill Growth Areas consisting of traditional neighborhoods or former commercial developments. Both subject to rezoning for infill according to Article 4.

Note: G-2 is permitted by right since a secondary Residential Commercial District is planned to coincide with Downtown Lawrence. The target size within G-2 indicates a cluster development or traditional neighborhood development.

HORIZON 2020

157
DRAFT 11/14/07

Prime Farmland Soils

PLACE MAKING

Water

Illustration #1

USDA-NRCS PRIME FARMLAND SOILS
DOUGLAS COUNTY, KANSAS

OVERLAY - G-2 BULL'S EYE - GRANT TOWNSHIP

Illustration #2

USDA-NRCS SOIL EXTENT MAP
EUDORA SERIES - CLASS 1 PRIME AGRICULTURAL SOILS

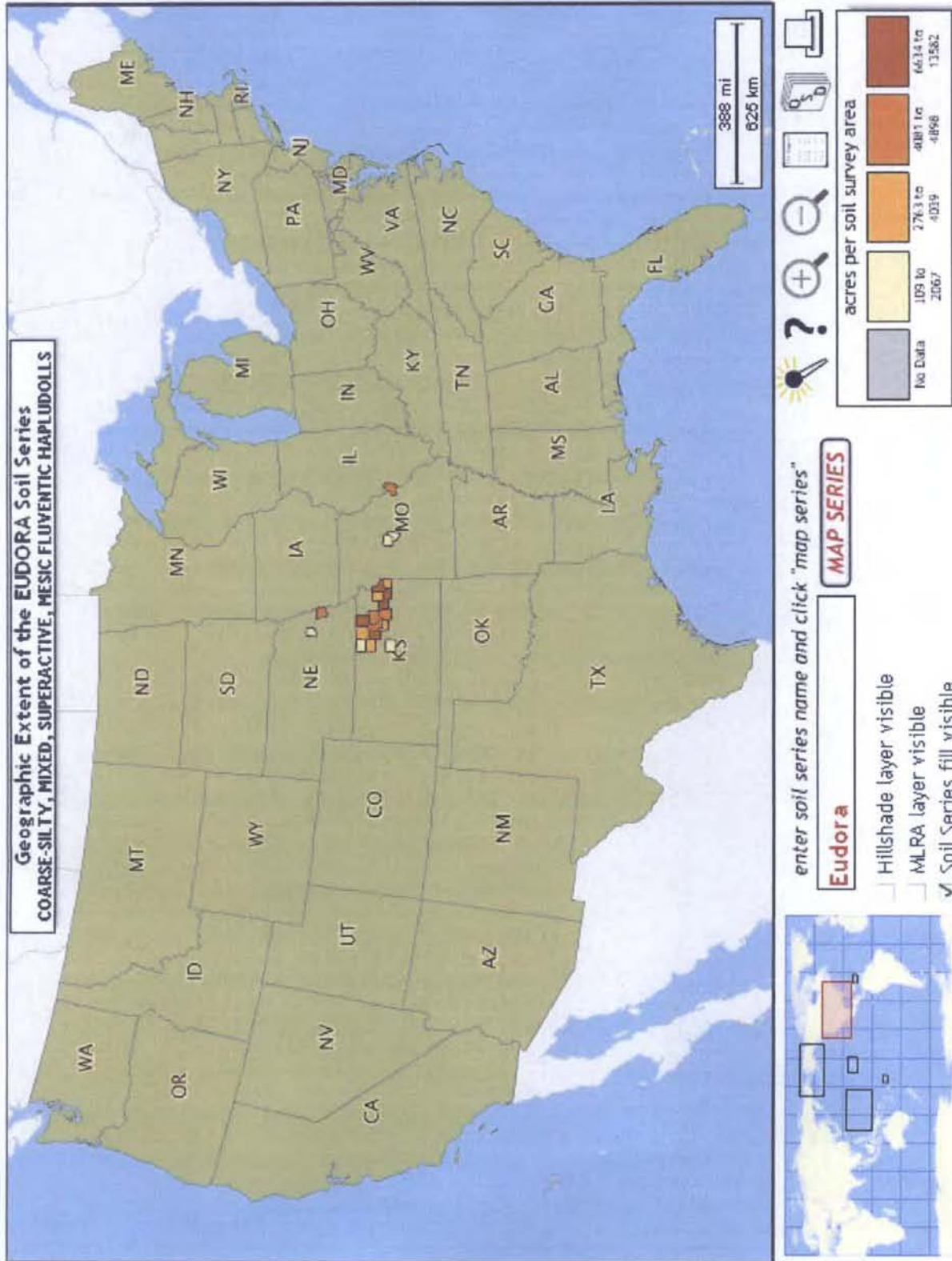
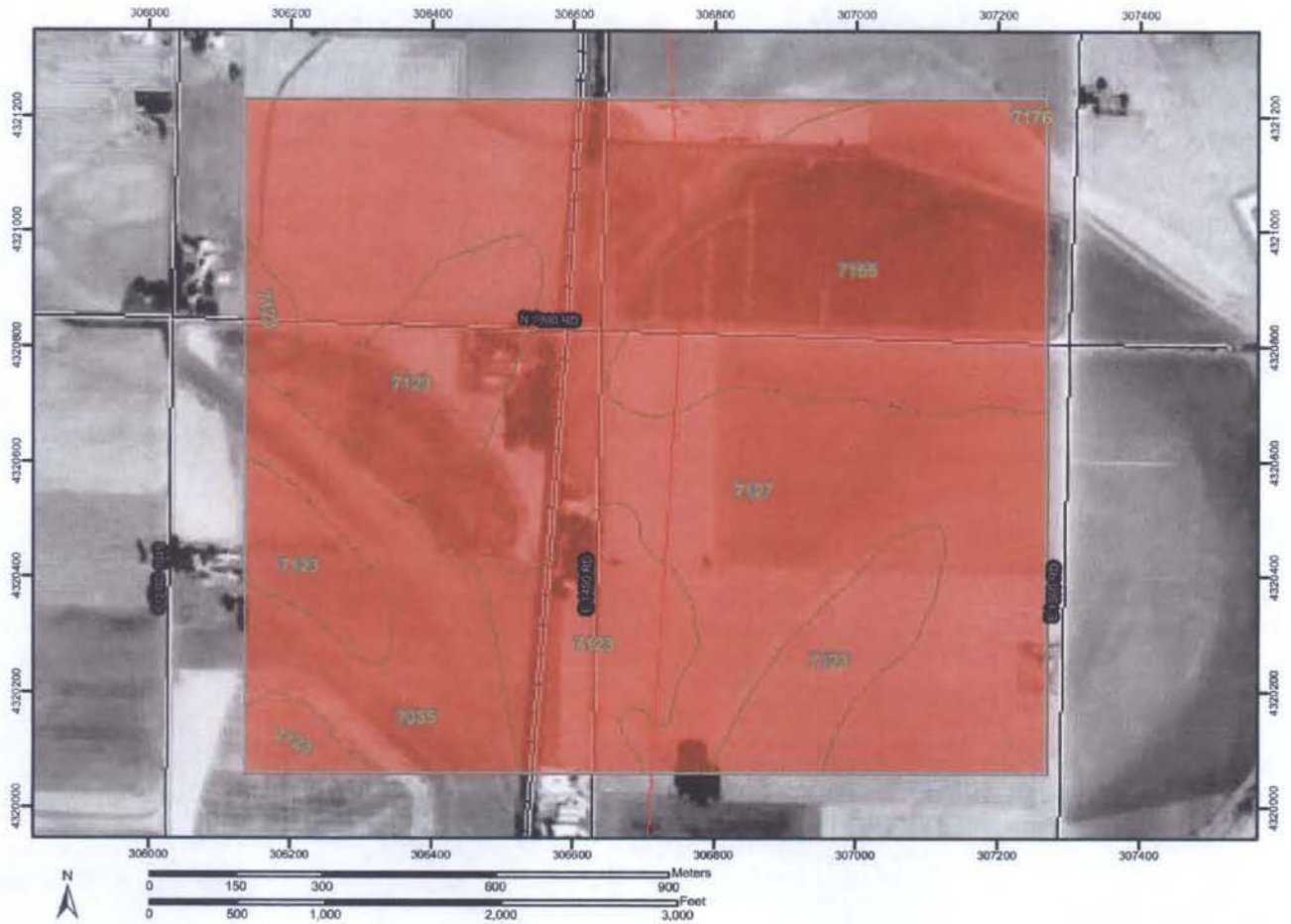


Table #3





USDA-NRCS SOIL SURVEY
SMALL COMMERCIAL BUILDINGS

Small Commercial Buildings—Douglas County, Kansas
(High Value Agricultural Soils)



Small Commercial Buildings—Douglas County, Kansas
(High Value Agricultural Soils)

MAP LEGEND

- Area of Interest (AOI)**
 -  Area of Interest (AOI)
- Soils**
 -  Soil Map Units
- Soil Ratings**
 -  Very limited
 -  Somewhat limited
 -  Not limited
 -  Not rated or not available
- Political Features**
 - Municipalities**
 -  Cities
 -  Urban Areas
- Water Features**
 -  Oceans
 -  Streams and Canals
- Transportation**
 -  Rails
- Roads**
 -  Interstate Highways
 -  US Routes
 -  State Highways
 -  Local Roads
 -  Other Roads

MAP INFORMATION

Original soil survey map sheets were prepared at publication scale. Viewing scale and printing scale, however, may vary from the original. Please rely on the bar scale on each map sheet for proper map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL: <http://websoilsurvey.nrcs.usda.gov>
Coordinate System: UTM Zone 15N

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Douglas County, Kansas
Survey Area Data: Version 5, Dec 21, 2007

Date(s) aerial images were photographed: 1991

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Small Commercial Buildings

Small Commercial Buildings— Summary by Map Unit — Douglas County, Kansas						
Map unit symbol	Map unit name	Rating	Component name (percent)	Rating reasons (rating values)	Acres in AOI	Percent of AOI
7035	Eudora-Bismarckgrove fine sandy loams, overwash, occasionally flooded	Very limited	Eudora (55%)	Flooding (1.00)	39.6	9.9%
			Bismarckgrove (25%)	Flooding (1.00)		
				Shrink-swell (0.11)		
			Bourbonais (10%)	Flooding (1.00)		
			Kimo (5%)	Flooding (1.00)		
Depth to saturated zone (0.39)						
Stonehouse (5%)	Flooding (1.00)					
7123	Eudora silt loam, rarely flooded	Very limited	Eudora (85%)	Flooding (1.00)	94.6	23.6%
			Bismarckgrove (10%)	Flooding (1.00)		
				Shrink-swell (0.50)		
Bourbonais (5%)	Flooding (1.00)					
7127	Eudora-Kimo complex, overwash, rarely flooded	Very limited	Eudora (60%)	Flooding (1.00)	185.6	46.3%
			Kimo (30%)	Ponding (1.00)		
				Flooding (1.00)		
				Shrink-swell (1.00)		
				Depth to saturated zone (0.39)		
			Sarpy (5%)	Flooding (1.00)		
			Wabash (5%)	Flooding (1.00)		
Depth to saturated zone (1.00)						
	Shrink-swell (1.00)					

Small Commercial Buildings— Summary by Map Unit — Douglas County, Kansas											
Map unit symbol	Map unit name	Rating	Component name (percent)	Rating reasons (rating values)	Acres in AOI	Percent of AOI					
7155	Kimo silty clay loam, rarely flooded	Very limited	Kimo (85%)	Ponding (1.00)	80.0	20.0%					
				Flooding (1.00)							
				Depth to saturated zone (0.39)							
			Kiro (5%)	Ponding (1.00)							
				Flooding (1.00)							
				Depth to saturated zone (1.00)							
			Bismarckgrove (5%)	Flooding (1.00)							
				Shrink-swell (0.50)							
			Eudora (5%)	Flooding (1.00)							
			7176	Rossville silt loam, very rarely flooded			Very limited	Rossville (85%)	Flooding (1.00)	0.8	0.2%
Shrink-swell (0.06)											
Muscotah (5%)	Flooding (1.00)										
	Shrink-swell (1.00)										
	Depth to saturated zone (0.44)										
Reading (5%)	Flooding (1.00)										
	Shrink-swell (0.50)										
Eudora (5%)	Flooding (1.00)										
Totals for Area of Interest (AOI)					400.5	100.0%					

Small Commercial Buildings— Summary by Rating Value		
Rating	Acres in AOI	Percent of AOI
Very limited	400.5	100.0%

Description

Small commercial buildings are structures that are less than three stories high and do not have basements. The foundation is assumed to consist of spread footings of reinforced concrete built on undisturbed soil at a depth of 2 feet or at the depth of maximum frost penetration, whichever is deeper. The ratings are based on the soil properties that affect the capacity of the soil to support a load without movement and on the properties that affect excavation and construction costs. The properties that affect the load-supporting capacity include depth to a water table, ponding, flooding, subsidence, linear extensibility (shrink-swell potential), and compressibility (which is inferred from the Unified classification of the soil). The properties that affect the ease and amount of excavation include flooding, depth to a water table, ponding, slope, depth to bedrock or a cemented pan, hardness of bedrock or a cemented pan, and the amount and size of rock fragments.

The ratings are both verbal and numerical. Rating class terms indicate the extent to which the soils are limited by all of the soil features that affect the specified use. "Not limited" indicates that the soil has features that are very favorable for the specified use. Good performance and very low maintenance can be expected. "Somewhat limited" indicates that the soil has features that are moderately favorable for the specified use. The limitations can be overcome or minimized by special planning, design, or installation. Fair performance and moderate maintenance can be expected. "Very limited" indicates that the soil has one or more features that are unfavorable for the specified use. The limitations generally cannot be overcome without major soil reclamation, special design, or expensive installation procedures. Poor performance and high maintenance can be expected.

Numerical ratings indicate the severity of individual limitations. The ratings are shown as decimal fractions ranging from 0.01 to 1.00. They indicate gradations between the point at which a soil feature has the greatest negative impact on the use (1.00) and the point at which the soil feature is not a limitation (0.00).

Rating Options

Aggregation Method: Dominant Condition

Component Percent Cutoff: None Specified

Tie-break Rule: Higher

Chestnut Charlie's

**P.O. Box 1166, 945 Ohio St.
Lawrence, KS 66044
785-841-8505, nuts2sell@aol.com
www.chestnutcharlie.com**

January 23, 2008

Lawrence and Douglas County
Metropolitan Planning Commission
City Hall, 6 E. 6th Street
Lawrence, KS 66044

Re: proposed Chapter 15, Place Making (Draft 11/14/07) Horizon 2020

Dear Planning Commission members:

The focus of our interest is the agricultural bottoms north of Lawrence. My wife and I are residents of Lawrence who own and operate a nut orchard outside of Lawrence in the historic floodplains north of TeePee Junction.

Our comments to Chapter 15 pertain to the graphic SmartCode Sector Plan which classifies some of our community's best agricultural soils as G-1 instead of O-2. In addition, there are two bulls-eyes (G2, G3?) on the best agricultural soils. All of these designations for development in the North of North Lawrence area are improvident and inconsistent with the text of Chapter 15.

The proposed Chapter 15 contains at least three textual references¹ to protecting and preserving high value agricultural soils, a policy with which we vigorously agree.

While not all farmland must be protected, our "prime farmland" has special value for the long-term prosperity of our community. And sometimes among prime farmlands we find rare soils which are exceptional for their fertility, tillage qualities and ease of irrigation. For these lands agriculture is already the highest and best use.

I have known about the North Lawrence floodplain soils since childhood and have kept an eye out to buy some. But these excellent soils are jealously guarded by the fortunate few farm families who have mostly inherited them. Only once in my lifetime have I had an opportunity to purchase any - I jumped at it. Now, as farmer-stewards since '91 of a small 20 acre parcel north of Lawrence, my wife are puzzled by efforts to develop over this legacy farmland.

¹ Under definitions of 0-2, Reserved Open Space, being, ". . . open space that should be, but is not yet, protected from development . . ." includes, at subpart "g", "Legacy Farmland and High Value Agricultural Soils." Also see Policy 1.1, subpart "c", "Limit development in areas with natural and agricultural resources." This is repeated at Policy 2.1, subpart "c". Goal 2 states, "Open lands are needed . . . to preserve natural and agricultural land."

It raises our hackles to see city planners and wana-be developers carving up this area Wyandotte-county-style as if it was just any flat land. For these soils are of such rare and beneficial quality for agriculture, the irrigation water is so cheap, shallow and plentiful, and the open space so critical for saving North Lawrence from storm-water flooding – if these qualities were known and appreciated then perhaps our far-sighted community leaders would better respect our agricultural floodplain.

I have prepared the following chart of some important soil-types, based on data from the web-based USDA soil surveys for Douglas County.²

Table 1

<i>Soil name) parent material)</i>	<i>Class</i>	<i>Typical depth to water table</i>	<i>Available water capacity</i>	<i>Drainage classification</i>	<i>Permiability (Ksat)</i>
Kansas River bottoms soils—descending order from best soils					
Rossville (Judson) ³ silt loam, (fine silty alluvium)	1	> 80 in	very high 13.0 in	well drained	moderately high 0.60 - 2.00 in/hr
Eudora silt loam (coarse silty alluvium)	1	> 80 in	high 11.8 in	well drained	moderately high to high 0.60 - 2.00 in/hr
Eudora-Kimo complex		<i>(60% Eudora, 30% Kimo, 10% minor components)</i>			
Eudora- Bismarkgrove silt loam		<i>(55% Eudora, 30 % Bismarkgrove, 15% minor components)</i>			
Bismarkgrove-Kimo complex		<i>(55% Bismarkgrove, 20% Kimo, 20% minor components)</i>			
Bismarkgrove (silty alluvium)	2w	> 80 in	high 11.2 in	well drained	moderately high 0.20 – 0.60
Kimo silty clay loam (clayey over loamy alluvium)	2w	22 – 26 in	high 11.4	somewhat poorly drained	moderately low to moderately high 0.06 – 0.20 in/hr
Wakarusa River gumbo soil (for comparison)					
Wabash silty clay loam (clayey alluvium)	3w	2-9 in	moderate 8.2 in	poorly drained	very low to moderately low 0.00 – 0.06

The major soils within the river bend north of Lawrence, the Eudora-Kimo association, are typically over 80 inches deep, over 80 inches to the water table, and well drained—a characteristic critical for reducing flooding in North Lawrence. You can see that the Rossville and Eudora types have very high available water capacity and high permeability. An exception is Kimo silty clay, which has more clayey material overlaying its parent soil of more permeable silt and sand. Kimo represents the tightest soil particles of the alluvial plain of the Kansas River,

²From USDA NCRS Web Soil Survey, an interactive internet soil survey database, collecting and updating previously printed soil survey publications.

³ Large areas formerly classified as Judson silt loam have been reclassified in more recent surveys as Rossville silt loam. Rossville (Judson) soil is found on the higher terraces in the floodplain in the area of the Airport, including most of the Pine family farms, and also areas to the west of the airport.

of the prime farmlands above are (beige) G-1,⁵ plus loaded under two G-2 or G-3 bullseyes in the SmartCode Sector Plan.

We perceive an intent to protect the lower areas near the FEMA 100-year or regulatory floodplain areas, which, by reasons explained by geology and soil science, also happen to be areas of poorer and less-well drained soil (Kimo silty clay) and smaller economic (agricultural) potential. Conversely, the higher, better agricultural soils in the Kansas River bottoms, the well drained category 1 soils such as Rossville and Eudora and Eudora-Kimo complex, are made to appear ripe for urban development. We disagree .

To carry the problem to an example south of the river, large swaths of Wakarusa bottomlands are restricted to development under the green O-2 coding when, in fact, the Wabash soils which predominate are not prime agricultural soils. A review of the soil surveys of the K-10 area between Lawrence and Eudora would disclose an irregular line around Hwy K-10 where the well-drained soils of the Kansas River bottoms give way to the sticky soils of the Wakarusa, where the sandy/silty soils give way to clays. The planners, evidenced by the SmartGrowth Sector Plan, target some poor soils for protection and some of the same excellent soils for development.

⁵ The designation G-1 is for, “areas that have value as open space but nevertheless are subject to development, either because the zoning has already been granted or because there is no legally defensible reason, in the long term, to deny it.” In G-1, “Clustered Land Developments shall be permitted by Right.” We do not have in front of us zoning maps but we are unaware of development zoning existing in most areas of prime farmland which are to be converted to G-1 in the SmartGrowth Sector Plan. We would find sufficient and “legally defensible reason” to deny zoning based either on 1) high-value farmland preservation or 2) storm water/flood drainage needs of the community. Only by ignoring the farmland and flood prone lands protections can you arrive at G-1, G-2 or G-3 for these lands.

Map 2



The above map depicts the area of Pendleton's farm store and the Wakarusa at the bottom, including recognizable intersections of E 1900 road and K-10. As before, prime farm soils are dark green; non-prime farm soils are red. Purple represents prime if drained; light green are thin Sibleyville hillside soils over shallow bedrock. Most of the red areas are Wabash soils which are not prime agricultural land. For interpretation: 7050 Kennebeck silt loam, occasionally flooded; 7091 Wabash silty clay, occasionally flooded; 7127 Eudora-Kimo overwash, rarely flooded; 7170 Reading silt loam, rarely flooded; 7176 Rossville silt loam, very rarely flooded; 7213 Reading silt loam, moderately wet, very rarely flooded; 7280 Wabash silty clay, rarely flooded; 7600, 7601, 7603 are Sibleyville soils. 9999 water (the ski lake). A good deal of the non-prime areas both north and south of the Wakarusa creek are slated to be protected as O-2 (green) in the Smartcode Sector plan.

We are of the opinion that if any of the Wabash soils of east and south Lawrence are suitable for preservation as valuable farm land, then most of the really excellent Eudora-Kimo association soils of the north bottoms are a magnitude more valuable and more deserving of protection.

On the subject of flooding and storm water management, you will see from my Table 1 above that different soils have a different capacity to absorb and hold and transmit water. Rossville and Eudora have a very high ability to capture and absorb water compared to Kimo soils. From working at our own farm, which is largely Eudora-Kimo complex, we know that these soils will not allow us to build a pond without a liner—all water quickly drains into the soil. But some parts of our land drain more quickly than others after heavy rainfall. Why then do we see standing water in the north bottoms? Standing water occurs where the Kimo silt clay predominates, often in or near the FEMA 100-year floodplains and some disconnected low old riverbed areas.⁶ By no coincidence, the standing water areas appear to be described also by the red areas of Table 1.

It is our experience that when it comes to flood protection and storm water management, the Rossville and Eudora soils are like sponges. When managed properly, these soils can absorb two inches of rainfall every hour until saturated throughout its 80 inches plus depth and down to the water table, at which point the water begins to move out to the river through the underground sand. The high available water capacity shown in Table 1 is an indication of the large amounts of water that our soil-sponge can absorb and hold. The high Ksat figure shows how fast the water can move through the soil. It is only the soils which lie in the lower areas, the Kimo soils, which actually resist percolation in their more clayey layer, as demonstrated by the data in Table 1.

For this reason, preservation of the Kimo soil areas will not prevent or reduce flooding or storm-water management problems in the north floodplain—it will only get the buildings up and out of the way of the worst floodwaters. The only way to actually reduce the flooding and storm-water burden is to maintain, or even enhance, the permeability of the better Eudora association soils that are, not surprisingly, the best prime farmlands of the area.

To this, we ought to add that although we are not K-State farmers, we own and participate in farming other nearby parcels which contain USDA prime farmlands, and we have experience and interests outside of Kansas as well. Our experience with the tree farm has been going on 17 years and at close and personal, hands-on, hand-tools level. If our experience is any guide, the North of North Lawrence bottoms is the best farm dirt anywhere. If ever there is an agricultural area that should be treasured and preserved for the future, this is it.

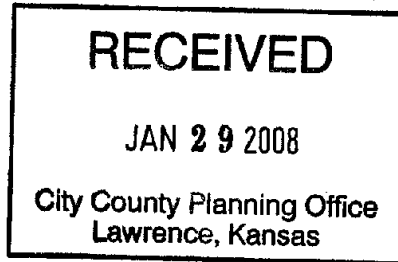
Therefore, we recommend that City-County Planning Staff prepare a map-study identifying all USDA prime-farmland soils for all the area north of the Kansas River, that a separate map-study set forth all Category 1 soils, and that the SmartGrowth map plans be amended to conform all such areas to O-2 protection.

Yours truly,

Charles NovoGradac

⁶ We also see standing water where an artificial construction, such as a driveway, reduces drainage and contributes to local ponding.

1982 E. 100 Rd.
Lecompton, KS 66050
January 25, 2008



Planning Commission
City Hall
6 E. 6th Street
Lawrence, KS 66044

Dear Planners:

We note that on the 2020 Smart Code Sector Plan and the 2030 Land Use Scenarios map, the flood prone, prime agricultural land in the airport vicinity is projected as an area for growth and development.

Please, let us bring intelligence to this process. By all reasonable standards, this area qualifies as O2 (reserved open sector).

Thank you for your work and public service.

Respectfully,


Doug and Shirley Hitt

PC Minutes 5/21/08

ITEM NO. 13 CPA-2007-6 (MJL)

CPA-2007-6: Amend Horizon 2020 by creating Chapter 15 – Place Making to ensure proper comprehensive plan language is in place for the proposed Lawrence SmartCode in the City of Lawrence.

ITEM NO. 14 CPA-2007-7 (DDW)

CPA-2007-7: Amend Horizon 2020, Chapter 14 Specific Plans, to add a reference to the Lawrence SmartCode Infill Plan.

ITEM NO. 15 ADOPTION OF THE LAWRENCE SMARTCODE (DDW)

ADOPTION OF THE LAWRENCE SMARTCODE

TA-11-24-07: Pursuant to the provisions of K.S.A. Chapter 12, Article 7, consider making a recommendation on the adoption of "Lawrence SmartCode" enacting a new Chapter 21 of the Code of the City of Lawrence, Kansas, establishing comprehensive zoning regulations and other land use regulations. The "Lawrence SmartCode" is an optional development code that is parallel to the City's existing zoning and subdivision regulations and affects all property within the corporate limits of the City of Lawrence, Kansas. Copies of the "Lawrence SmartCode" are available for review at the Office of the Lawrence-Douglas County Planning Department, City Hall, 6 E. 6th Street, Lawrence, Kansas. The "Lawrence SmartCode" is also available at www.lawrenceplanning.org.

STAFF PRESENTATION

Mr. Dan Warner and Ms. Michelle Leininger presented items 13, 14, and 15 together.

Commissioner Eichhorn suggested removing the bullseyes from the North Lawrence part of the map in the proposed Chapter 15.

PUBLIC HEARING

Ms. Barbara Clark, showed map.

Ms. Gwen Klingenberg, felt that the CRC was needed. She expressed concern about individual lot planning. She was also concerned about building heights and the wording of 'shall' and 'should.' She did not feel that this Code was trust worthy.

Ms. Jeanne Pees, Sunset Hills Neighborhood Association, felt that public input was an important part of the process.

Ms. Carolyn Crawford was concerned about notification to neighbors and letters being sent in regular mail. She felt letters should be mailed classified.

Mr. McCullough stated that property owners are notified by the City using regular mail regarding rezonings.

Ms. Betty Lichtwardt, League of Women Voters, was concerned about provisions of the regular Code that are needed are not in the SmartCode. She was also concerned about public involvement. She stated there was nothing in the SmartCode that has street standards and guaranteed access. She said she was concerned about what was missing from the SmartCode, not what was included.

COMMISSION DISCUSSION

Mr. Warner referenced standards for streets on page 60 of the SmartCode. He said that the SmartCode does have provisions for variance or warrants (waivers).

Commissioner Harris was concerned about neighborhoods not being notified.

Mr. McCullough stated that the adjacent property owners and neighborhood associations are notified, as well as a public notice signs being posted for public hearing projects.

Commissioner Hird asked if it would be a hardship to send mail notices via registered or certified mail.

Mr. McCullough said the hardship would be the cost.

Commissioner Harris felt that the neighbor notification should be expanded.

Commissioner Hird agreed with Commissioner Harris and felt that if the property owner notification was expanded that the mailing would not have to be registered or certified.

ACTION TAKEN ON ITEM 13

Motioned by Commissioner Finkeldei, seconded by Commissioner Carter, to approve the comprehensive plan amendment to Horizon 2020 Chapter 15, with the removal of the two North Lawrence bullseyes from the map and the removal of G3 from the legend, and authorize the chair to sign PC Resolution 2008-01.

Unanimously approved 8-0.

ACTION TAKEN ON ITEM 14

Motioned by Commissioner Finkeldei, seconded by Commissioner Moore, to approve the comprehensive plan amendment *Horizon 2020* by amending Chapter 14 - Specific Plans to add a reference to the Lawrence SmartCode Infill Plan for the City of Lawrence and unincorporated Douglas County and recommends forwarding this comprehensive plan amendment to the Lawrence City Commission and the Douglas County Board of County Commissioners with a recommendation for approval, and approve and sign Planning Commission Resolution 2008-02.

Unanimously approved 8-0.

ACTION TAKEN ON ITEM 15

Motioned by Commissioner Finkeldei, seconded by Commissioner Carter, to approve the proposed Lawrence SmartCode enacting a new Chapter 21 of the Code of the City of Lawrence, Kansas, and forward to the City Commission, with a change clarifying the platted requirement lot and requiring 200 feet notice to neighbors.

Unanimously approved 8-0.

PC Minutes 4/23/08

ITEM NO. 13 CPA-2007-6 (MJL)

CPA-2007-6: Amend Horizon 2020 by creating Chapter 15 – Place Making to ensure proper comprehensive plan language is in place for the proposed Lawrence SmartCode in the City of Lawrence.

ITEM NO. 14 CPA-2007-7 (DDW)

CPA-2007-7: Amend Horizon 2020, Chapter 14 Specific Plans, to add a reference to the Lawrence SmartCode Infill Plan.

ITEM NO. 15 ADOPTION OF THE LAWRENCE SMARTCODE (DDW)

ADOPTION OF THE LAWRENCE SMARTCODE

TA-11-24-07: Pursuant to the provisions of K.S.A. Chapter 12, Article 7, consider making a recommendation on the adoption of "Lawrence SmartCode" enacting a new Chapter 21 of the Code of the City of Lawrence, Kansas, establishing comprehensive zoning regulations and other land use regulations. The "Lawrence SmartCode" is an optional development code that is parallel to the City's existing zoning and subdivision regulations and affects all property within the corporate limits of the City of Lawrence, Kansas. Copies of the "Lawrence SmartCode" are available for review at the Office of the Lawrence-Douglas County Planning Department, City Hall, 6 E. 6th Street, Lawrence, Kansas. The "Lawrence SmartCode" is also available at www.lawrenceplanning.org.

STAFF PRESENTATION

Mr. Dan Warner and Ms. Michelle Leininger presented items 13, 14, and 15 together.

Commissioner Finkeldei inquired about the makeup of CRC and was concerned about having only two members of Planning Commission on it.

Mr. Warner said that Planning Commission ultimately approves plats, but as a subcommittee they could handle the plat efforts within the SmartCode.

Commissioner Eichhorn was concerned about open meeting issues.

Commissioner Moore asked if the two Planning Commission members would be on a committee with other members and the committee as a whole would make a decision.

Mr. Warner replied that was correct.

PUBLIC HEARING ON ITEMS 13, 14, & 15

Ms. Bobbie Flory, Lawrence Homebuilders Association, supported the retention of the CRC for the SmartCode. She said the administrative approval process was an incentive and if it is removed then it will not matter. When the administrative process is removed it leaves the developer with concerns and that the appeal of the SmartCode are the rules.

Ms. Gwen Klingenberg, Lawrence Association of Neighborhoods, liked the new draft and supported the CRC being taken out. She was concerned about public right of ways and preserving natural resources.

Ms. Beth Johnson, Chamber of Commerce, was in support of the SmartCode being parallel with the Code.

COMMISSION DISCUSSION

Commissioner Finkeldei did not like the idea of having two Planning Commissioner members on CRC. He felt the committee should be all staff. He felt that by putting two Planning Commission members on the committee that it would put too much power on people who are appointed.

Commissioner Eichhorn said he did not think that they need another advisory board to allow the process to go through. He did not feel that CRC was the way to go and did not think it was necessary for Planning Commission members to serve on a board.

Commissioner Carter agreed with Commissioner Eichhorn.

Mr. McCullough said that there was value in Planning Commissioners reviewing plats and that staff recommend Planning Commission members serve on the committee because they are the appointed lay people that represent the community.

Commissioner Blaser said he did not see the need in having two Planning Commission members on CRC.

Mr. John Miller said that the Plat has to be approved by Planning Commission, so if CRC is not a subcommittee of Planning Commission then plats would have to be approved by Planning Commission.

Commissioner Finkeldei said that he would be in favor of having four Planning Commissioners serve on the CRC board, instead of just two, because he felt it was too much power for two members.

Mr. McCullough reminded them that CRC has voting members but also designees of City departments. It would be the committee as a whole, not just the two Planning Commission members making the decision. He said the preference was to have Planning Commission members on the CRC but that staff can explore options.

NO ACTION TAKEN ON ITEMS 13, 14, & 15

PC Minutes 2/27/08

ITEM NO. 17 CPA-2007-6 (MJL)

CPA-2007-6: Amend Horizon 2020 by creating Chapter 15 – Place Making to ensure proper comprehensive plan language is in place for the proposed Lawrence SmartCode in the City of Lawrence.

ITEM NO. 18 CPA-2007-7 (DDW)

CPA-2007-7: Amend Horizon 2020, Chapter 14 Specific Plans, to add a reference to the Lawrence SmartCode Infill Plan.

ITEM NO. 19 ADOPTION OF THE LAWRENCE SMARTCODE (DDW)

ADOPTION OF THE LAWRENCE SMARTCODE

TA-11-24-07: Pursuant to the provisions of K.S.A. Chapter 12, Article 7, consider making a recommendation on the adoption of "Lawrence SmartCode" enacting a new Chapter 21 of the Code of the City of Lawrence, Kansas, establishing comprehensive zoning regulations and other land use regulations. The "Lawrence SmartCode" is an optional development code that is parallel to the City's existing zoning and subdivision regulations and affects all property within the corporate limits of the City of Lawrence, Kansas. Copies of the "Lawrence SmartCode" are available for review at the Office of the Lawrence-Douglas County Planning Department, City Hall, 6 E. 6th Street, Lawrence, Kansas. The "Lawrence SmartCode" is also available at www.lawrenceplanning.org.

STAFF PRESENTATION

Ms. Michelle Leininger and Mr. Dan Warner presented items 17, 18, and 19 together.

Mr. Warner gave the history of the SmartCode.

Commissioner Harris asked how infill is defined.

Mr. Warner said that it is defined as anything that is within the City right now, so not necessarily surrounded by development.

Commissioner Moore felt that infill meant existing roads, structures, etc.

Commissioner Eichhorn asked how the bullseye map lined up with the industrial map.

Mr. Warner said that it did not exactly line up.

Commissioner Eichhorn asked if it would make sense to match them up.

Mr. Warner said ideally they would want the whole Horizon 2020 to make sense with the SmartCode but that is a bit of a project. There are conflicted policies but ideally it should match as much as possible.

Commissioner Hird asked if there had been any analysis of the plans on the downtown area.

Mr. Warner replied no, T5.5 zoning is not allowed.

PUBLIC HEARING

Ms. Gwen Klingenberg, President of Lawrence Association of Neighborhoods, mentioned other parts of the Development Code such as neighborhood notice and sensitive lands. She did not want a CRC committee. She would like to see more affordable housing. She stated that the SmartCode conflicts with other codes and does not protect sensitive lands. She was concerned about the loss of transparency and democratic process.

Mr. Kirk McClure, was concerned that the SmartCode gives the fast track to a developer to get a building permit. He felt that the SmartCode does not address the timing of development and does not mandate mix of uses.

Betty Lichtwardt, League of Women Voters, stated that the Code assumes that the market is going to create a response to the demand. She felt that one of the basic problems within the community is piecemeal development. She felt that the concept of integrated planning was missing from this and that one of the principal things missing from planning system is structural planning.

Ms. Janna Dobbs, felt that the free market does work when allowed to. She did not feel the city was overbuilt with industrial and office space but are overbuilt with housing.

Mr. Michael Almon, thanked Gwen Klingenberg for her work and agreed with her. He was against not having public input for development. His main concern was peak oil. He said that the land use was going to change, and that they can no longer think of single occupancy cars.

Commissioner Harris asked Mr. Almon about other communities that have addressed peak oil.

Mr. Almon replied that he knew of Portland, San Francisco, and Wisconsin.

Commissioner Finkeldei asked Mr. Almon if he had seen sample ordinances for allowing more wind turbines in city cores.

Mr. Almon said that height regulations, location, and noise were concerns with wind turbines. Street access and lot orientation were concerns with solar access.

Ms. Beth Johnson, Chamber of Commerce, was in favor of a clear, fair process for developers.

Mr. Luke Bell, Lawrence Board of Realtors, supported the SmartCode.

COMMISSION DISCUSSION

Commissioner Finkeldei mentioned incorporating incentives from the MU Code into the SmartCode and Development Code.

Commissioner Eichhorn was concerned about creating a new board, CRC.

Mr. Warner said that the Code is very prescriptive of what is required. It must either meet it or not. He stated that in some respects it is not far from the current administrative process for Site Plans.

Commissioner Harris said there was real value in having consistency in processes for the public and developers. She felt that folks that live in the area should have the ability to comment on it.

Commissioner Eichhorn was concerned about planning decisions being political and having City Commission be the final review.

Commissioner Harris asked staff to comment on lack of design standards for developments.

Mr. Warner stated that the Code has very specific form of standards that mandates such things as the minimum setbacks for parking, alleys, frontage requirements, and building scale plans include architecture.

Commissioner Harris asked about building materials in Commercial Design Standards.

Mr. Warner said that the Design Guidelines do not have much regarding materials.

Commissioner Eichhorn suggested having bigger public notice signs being posted at the sites.

Commissioner Harris felt that a market analysis should be conducted.

Mr. McCullough stated that staff does not conduct market studies, but does review the market studies.

Commissioner Eichhorn felt that consistency of maps in different documents should be matched up as much as possible.

Ms. Leininger stated that Horizon 2020 is aimed toward Development from the past 20 years and the map was based on that type of development. She agreed that the maps should coincide as much as possible but that there will naturally be a disconnect between the two maps.

Commissioner Finkeldei felt that the CRC board should consist of either all Staff or all Planning Commissioners.

Commissioner Eichhorn felt they should put the right people on the board.

NO ACTION TAKEN FOR ITEMS 17, 18, AND 19

ORDINANCE NO. 8288

RESOLUTION NO. _____

JOINT ORDINANCE OF THE CITY OF LAWRENCE, KANSAS, AND
RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF
DOUGLAS COUNTY, KANSAS APPROVING AN AMENDMENT TO
THE COMPREHENSIVE LAND USE PLAN "*HORIZON 2020*" BY
ADOPTING AND INCORPORATING BY REFERENCE "CHAPTER 15 –
PLACE MAKING, MAY 21, 2008 EDITION" PREPARED BY THE
LAWRENCE-DOUGLAS COUNTY METROPOLITAN PLANNING
OFFICE

WHEREAS, pursuant to K.S.A. 12-747, a comprehensive plan or part thereof shall constitute the basis or guide for public action to insure a coordinated and harmonious development or redevelopment which will best promote the health, safety, morals, order, convenience, prosperity and general welfare as well as wise and efficient expenditure of public funds; and

WHEREAS, the City Commission of Lawrence, Kansas (the "City") and the Board of County Commissioners of Douglas County, Kansas (the "Board") have adopted a comprehensive land use plan labeled "*Horizon 2020*"; and

WHEREAS, the Lawrence-Douglas County Metropolitan Planning Commission on May 21, 2008, by Resolution No. 2008-01, recommending adoption of "Chapter 15 – Place Making, May 21, 2008 Edition"; and

WHEREAS, a certified copy of "Chapter 15 –Place Making, May 21, 2008 Edition" contained in planning staff report CPA-2007-06 adopted by the Planning Commission in Resolution No. 2008-01 on May 21, 2008 together with the written summaries of the public hearings thereon held by the Lawrence-Douglas County Metropolitan Planning Commission on February 27, 2008, April 23, 2008 and May 21, 2008, has been submitted to the Governing Bodies; and

WHEREAS, pursuant to the provisions of K.S.A. Chapter 12, Article 7, K.S.A. 12-3009 to and including 12-3012, K.S.A. 12-3301 *et seq.*, the Home Rule Authority of the County as granted by K.S.A. 19-101a, and the Home Rule Authority of the City as granted by Article 12, § 5 of the Constitution of Kansas, the Board and the City are authorized to adopt and amend, by resolution and ordinance, respectively, and by incorporation by reference, planning and zoning laws and regulations.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LAWRENCE, KANSAS; AND

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS:

Section 1. The above recitals are incorporated by reference as if fully set forth herein and shall be as effective as if repeated verbatim.

Section 2. The Governing Bodies of the City of Lawrence, Kansas and Douglas County, Kansas hereby find that the provisions of K.S.A. 12-743 and K.S.A. 12-747 concerning the amendment of comprehensive plans have been fully complied with in consideration, approval, adoption of and amendment to "*Horizon 2020*".

Section 3. Pursuant to K.S.A. 12-747, the Governing Bodies of Douglas County, Kansas and the City of Lawrence, Kansas do hereby amend "Horizon 2020" by approving the recommendation of the Planning Commission and by adopting and incorporating by reference "Chapter 15 – Place Making, May 21, 2008 Edition" as contained in planning staff report CPA-2007-06 and adopted by the Planning Commission in Resolution No. 2008-01 on May 21, 2008.

Section 4. That "Chapter 15 – Place Making, May 21, 2008 Edition" approved by Section 3 above, prepared, compiled, published and promulgated by the Lawrence-Douglas County Metropolitan Planning Office is hereby adopted and incorporated by reference as if fully set forth herein, and shall be known as the "Chapter 15 – Place Making, May 21, 2008 Edition." One copy of said comprehensive plan amendment shall be marked or stamped as "Official copy as Passed by Ordinance No. 8288 and Resolution 08-____" and to which shall be attached a copy of this joint resolution and ordinance, and filed with each of the County Clerk and City Clerk, to be open to inspection and available to the public at all reasonable hours. The police department, municipal judge and, and all administrative offices of the City charged with enforcement of this ordinance shall be supplied, at the cost of the City, such number of official copies of such "Chapter 15 – Place Making, May 21, 2008 Edition" marked as may be deemed expedient.

Section 5. Severability. If any section, clause, sentence, or phrase of this Joint Ordinance and Resolution is found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, it shall not affect the validity of any remaining parts of this Joint Ordinance and Resolution.

Section 6. This Joint Ordinance and Resolution shall be in full force and effect upon its adoption by the Governing Bodies of the City of Lawrence and Douglas County, Kansas and publication as provided by law.

Passed by the Governing Body of the City of Lawrence this ____ day of _____, 2009.

APPROVED:

Michael Dever, Mayor

ATTEST:

Frank S. Reeb, City Clerk

APPROVED AS TO FORM AND LEGALITY:

Toni Ramirez Wheeler
Director of Legal Services

Adopted by the Board of County Commissioners of Douglas County, Kansas, this ___ day
of _____, 2009.

BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS

Bob Johnson, Chair

Jere McElhaney, Commissioner

Charles Jones, Commissioner

ATTEST:

Jameson D. Shew, County Clerk

NOTICE TO PUBLISHER

**Publish one time and return one Proof of Publication to the City Clerk and one to the City Director
of Legal Services, and one to the County Clerk.**

Memorandum

City of Lawrence and Douglas County Planning & Development Services

TO: Douglas County Board of County Commissioners

FROM: Dan Warner, AICP, Long-Range Planner

Date: 02/23/09

RE: CPA-2007-6 and CPA-2007-7

CPA-2007-6 and **CPA-2007-7** are Comprehensive Plan Amendments related to the Lawrence SmartCode. The Lawrence SmartCode was adopted by the Lawrence City Commission on January 20, 2009 with an effective date of July 1, 2009. The Lawrence SmartCode is a parallel development code for Lawrence, meaning that it can only be used when property is annexed by Lawrence. The Lawrence SmartCode is an optional code.

CPA-2007-6 is a Comprehensive Plan Amendment to Horizon 2020 proposing to create Chapter 15 – Place Making to ensure proper comprehensive plan language is in place for the proposed Lawrence SmartCode in the City of Lawrence. **CPA-2007-7** is a Comprehensive Plan Amendment to Horizon 2020, Chapter 14 Specific Plans, to approve and add a reference to the Lawrence SmartCode Infill Plan.

CPA-2007-6 and **CPA-2007-7** received unanimous recommendations for approval by the Planning Commission on May 21, 2008. Both items also received unanimous approval by the City Commission on January 6, 2009.

RESOLUTION NO. 2008-02

A RESOLUTION RECOMMENDING APPROVAL OF AN AMENDMENT TO CHAPTER 14- SPECIFIC PLANS OF HORIZON 2020, THE COMPREHENSIVE PLAN FOR THE CITY OF LAWRENCE AND UNINCORPORATED DOUGLAS COUNTY PERTAINING TO THE ADOPTION OF THE LAWRENCE SMARTCODE INFILL PLAN,

WHEREAS, the City Commission of Lawrence, Kansas and the Board of County Commissioners of Douglas County, Kansas, for the purpose of promoting the public health, safety, morals, comfort and general welfare, conserving and protecting property values throughout Lawrence and Douglas County, are authorized by K.S.A. 12-741 *et. seq.* to provide for the preparation, adoption, amendment, extension and carrying out of a long range comprehensive plan; and

WHEREAS, the Lawrence-Douglas County Metropolitan Planning Commission, the City Commission of Lawrence, Kansas and the Board of County Commissioners of Douglas County, Kansas have adopted an official comprehensive plan for the coordination of development in accordance with the present and future needs and to conserve the natural resources of the City and County, ensure efficient expenditure of public funds and promote the health, safety, convenience, prosperity and general welfare of the citizens of Lawrence and Douglas County; and

WHEREAS, the Lawrence-Douglas County Metropolitan Planning Commission held public hearings on February 27, 2008, April 23, 2008, and May 21, 2008 for the proposed amendment to Chapter 14 – Specific Plans of Horizon 2020, the comprehensive plan, to add a reference to and adopt the Lawrence SmartCode Infill Plan after notice by publication in the official city and county newspaper; and

BE IT RESOLVED BY THE LAWRENCE-DOUGLAS COUNTY METROPOLITAN PLANNING COMMISSION:

Section 1. The above stated recitals are by reference incorporated herein, and shall be as effective as if repeated verbatim.

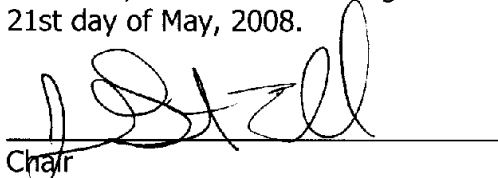
Section 2. Pursuant to K.S.A. 12-747, the Lawrence-Douglas County Metropolitan Planning Commission adopts and recommends for approval the amendment to Chapter 14 – Specific Plans, CPA -2007-07, of Horizon 2020, the Comprehensive Plan for the City of Lawrence and Unincorporated Douglas County to add a reference to and adopt the Lawrence SmartCode Infill Plan.

Section 3. The amendment to Horizon 2020, Chapter 14 – Specific Plans is attached as Exhibit 1.

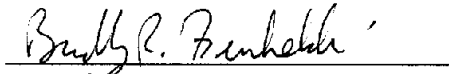
Section 4. The Lawrence SmartCode Infill Plan is attached as Exhibit 2.

SECTION 5: Resolution 2008-02 together with a certified copy of the amendments to Chapter 14 – Specific Plans, Lawrence SmartCode Infill Plan, of Horizon 2020, the Comprehensive Plan for the City of Lawrence and Unincorporated Douglas County, and a written summary of the public hearing shall be submitted to the City Commission and the Board of County Commissioners.

Passed by the Lawrence-Douglas County Metropolitan Planning Commission on this, the 21st day of May, 2008.



Chair
Lawrence-Douglas County Metropolitan
Planning Commission



Vice-Chair
Lawrence-Douglas County Metropolitan
Planning Commission



Scott McCullough, Secretary
Lawrence-Douglas County Metropolitan
Planning Commission

Exhibit 1

Insert Lawrence SmartCode Infill Plan (*Horizon 2020*, Chapter 14)

Specific Plans

- **6th and SLT Nodal Plan**
Location: The intersection of 6th Street (US Highway 40) and the SLT (South Lawrence Trafficway)
Adoption Date: November 11, 2003 by Lawrence City Commission
Review Date: 2009
- **6th and Wakarusa Area Plan**
Location: The intersection of 6th Street and Wakarusa Drive
Adoption Date: December 2, 2003 by Lawrence City Commission
Review Date: 2009
- **HOP District Plan**
Location: Bordered by W. 5th St. on the north, California St. on the west, W. 7th St. on the south and Alabama St. on the east.
Adoption Date: May 10, 2005 by Lawrence City Commission
Review Date: 2010
- **Burroughs Creek Corridor Plan**
Location: Area around the former BNSF railroad corridor between E. 9th St. and E 31st St.
Adoption Date: February 14, 2006 by Lawrence City Commission
Review Date: 2011
- **East Lawrence Neighborhood Revitalization Plan**
Location: Bordered by the Kansas River on the North; Rhode Island Street from the Kansas River to E. 9th Street, New Hampshire Street from E. 9th Street to approximately E. 11th Street, Massachusetts Street from approximately E. 11th Street to E. 15th Street on the west; E. 15th Street on the south; BNSF railroad on the east.
Adoption Date: November 21, 2000 by Lawrence City Commission
Review Date: 2010
- **Revised Southern Development Plan**
Location: Bounded roughly to the north by W. 31st Street and the properties nor of W. 31st Street between Ousdahl Road and Louisiana Street; to the west by E. 1150 Road extended (Kasold Drive); to the south by the north side of the Wakarusa River; and to the east by E. 1500 Road (Haskell Avenue).
Adoption Date: December 18, 2007 by Lawrence City Commission
January 7, 2008 by Douglas County Board of Commissioners
Review Date: 2017
- **Southeast Area Plan**
Location: Bounded roughly to the north by E. 23rd Street/K-10 Highway; to the west by O'Connell Road; to the south by the northern boundary of the FEMA designated floodplain for the Wakarusa River; and to the east by E. 1750 Road (Noria Road).
Adoption Date: January 8, 2008 by Lawrence City Commission
January 28, 2008 by Douglas County Board of Commissioners
Review Date: 2018

- **Farmland Industries Redevelopment Plan**

Location: The former Farmland Industries property is located east of Lawrence along K-10 Highway and just west of the East Hills Business Park. It is approximately one half mile south of the Kansas River.

Adoption Date: March 11, 2008 by Lawrence City Commission

March 31, 2008 by Douglas County Board of Commissioners

Review Date: 2013

- **Lawrence SmartCode Infill Plan**

Location: General areas are: 19th St. and Haskell Ave., 23rd St. and Louisiana St., 25th St. and Iowa St.

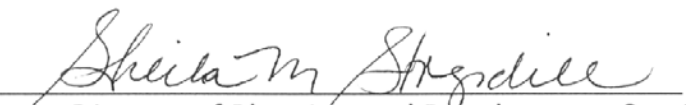
DRAFT

Lawrence SmartCode Infill Plan

**Lawrence-Douglas County Planning
Department
and
PlaceMakers, LLC**

April, 2008

I hereby certify that this is a true and correct copy of the comprehensive plan or part of the plan; that the Lawrence-Douglas County Metropolitan Planning Commission adopted said comprehensive plan, or part of the plan, on May 21, 2008.


Assistant Director of Planning and Development Services.

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DRAFT

Plan Areas

The general areas represented in this Plan are 19th & Haskell, 23rd and Louisiana, and 25th & Iowa. A section of this Plan is reserved for downtown, which also was planned as part of the SmartCode charrette. Consideration at a future date will be given to amending the downtown regulating plan into this document.

The plans in this document are excerpted from the Charrette Report prepared by PlaceMakers, LLC for the City of Lawrence during the SmartCode charrette that occurred in early February, 2007. The full Charrette Report can be found at: <http://www.lawrenceplanning.org/TND.shtml> or on file at the Planning Office.

Applicability

The following regulating plans represent areas that were planned according to Traditional Neighborhood Design (TND) principles during the SmartCode charrette. The regulating plans for each area allow for the use of the *Lawrence SmartCode*. The *Lawrence SmartCode* can be used in the following areas because the regulating plans have been approved for use with the adoption of this Lawrence SmartCode Infill Plan. However, development must follow the adopted Plan. Straying from the Plan will require that a new Infill Community Plan be prepared and approved per the Lawrence SmartCode.

Use of the Lawrence SmartCode in these areas will require rezoning property to the Transect Zone shown on the appropriate regulating plan. This will likely require a sufficient number of property owners to work together on infrastructure issues and to make sure the overall intent of the Plan is being followed. Following rezoning approval, developers may seek to develop the property by initiating Article 5 applications, per the *Lawrence SmartCode*.

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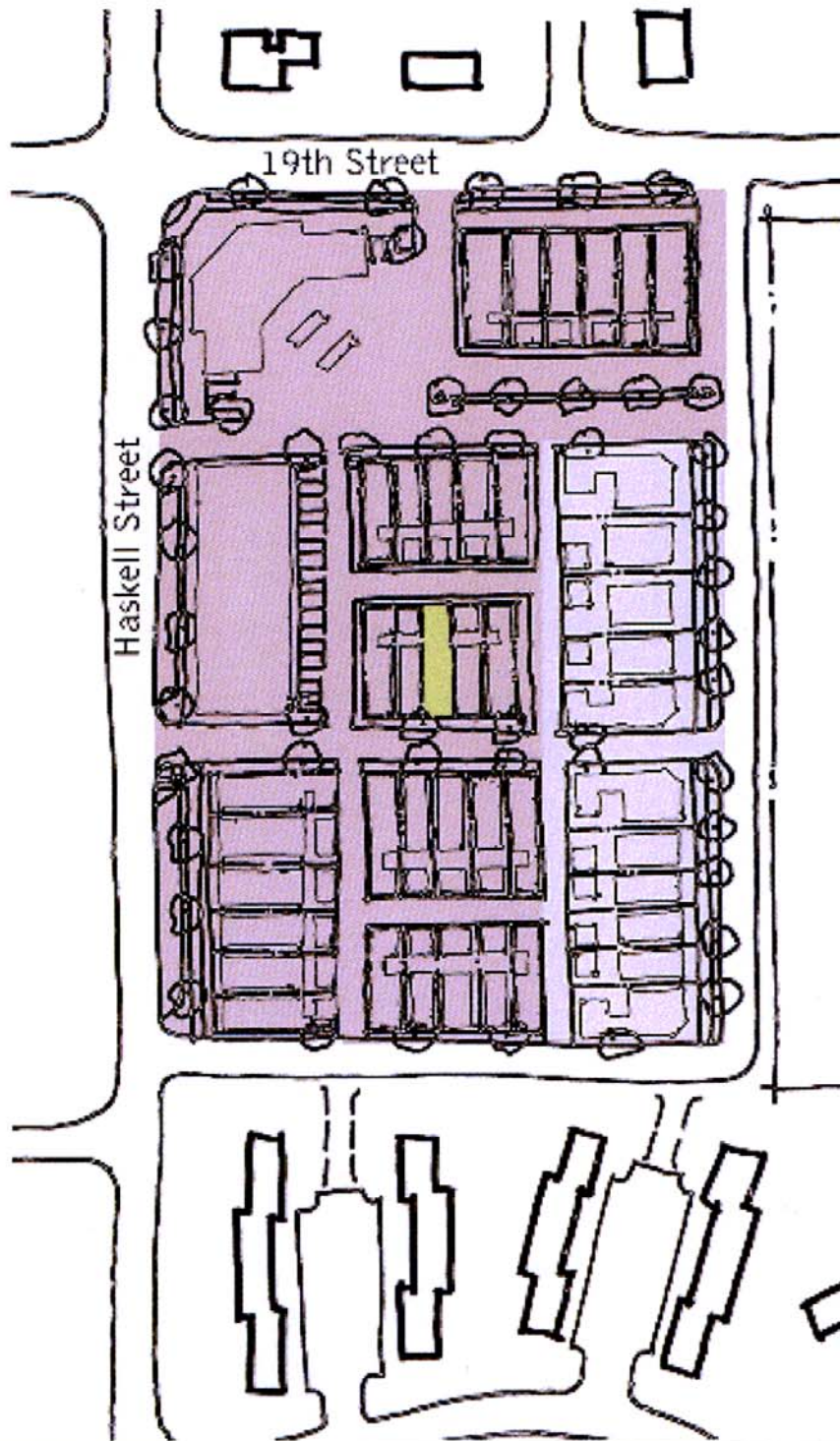
CHAPTER E
INFILL / REDEVELOPMENT SITES



shaping our future

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LAWRENCE, KANSAS
 SMARTCODE CALIBRATION
 19TH & HASKELL REGULATING PLAN



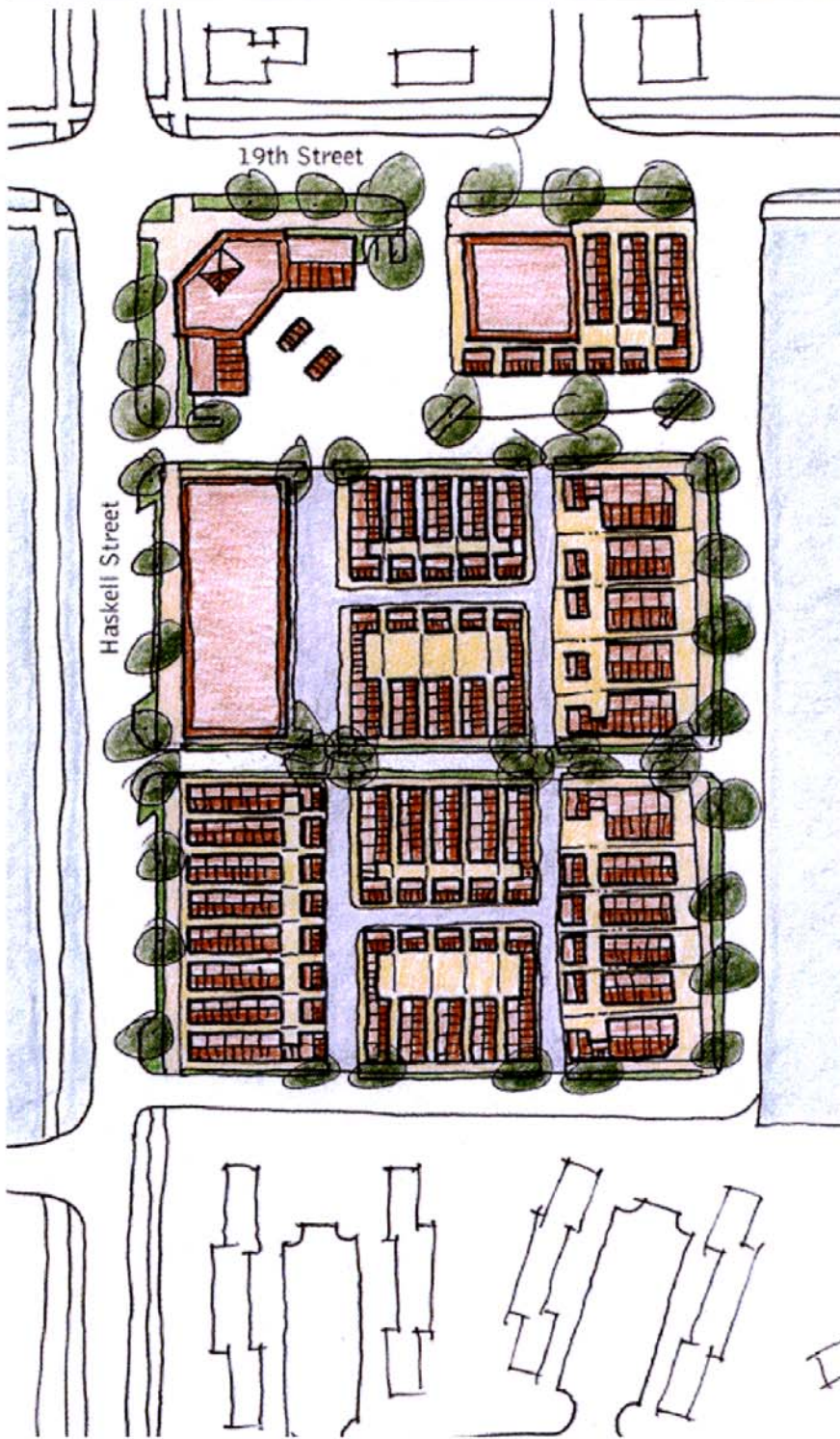
The T-zones are allocated in response to existing conditions and place the neighborhood retail at the edge. Open space is allocated to the interior of the development.

This infill site is so small the pedestrian shed doesn't appear on the block.

- T4: General Urban
Mixed use, but primarily residential urban fabric.
- T3: Sub-Urban
Low density, suburban residential areas that allow home occupations.
- CS: Civic Space



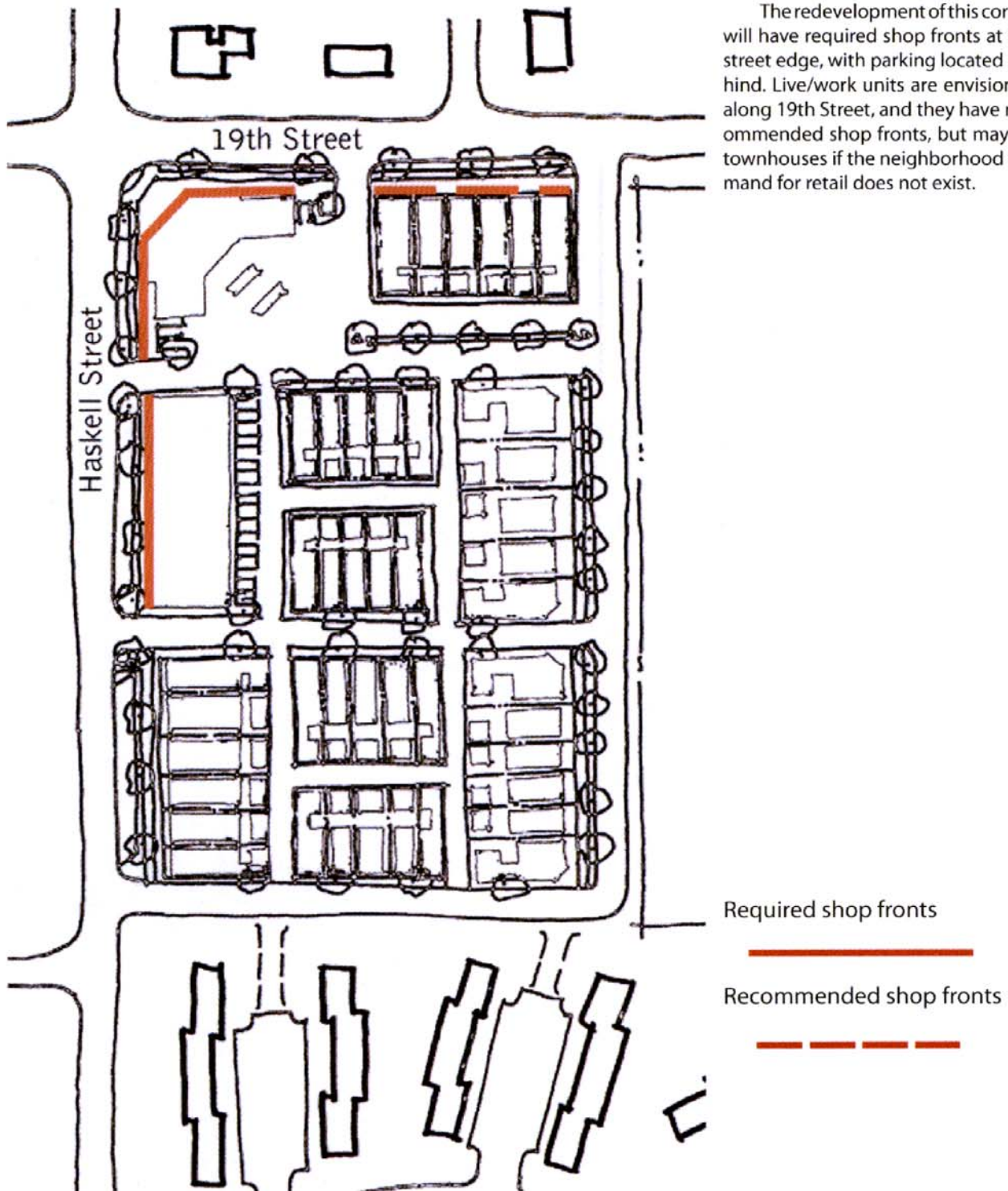
LAWRENCE, KANSAS
SMARTCODE CALIBRATION
19TH & HASKELL ILLUSTRATIVE PLAN



The illustrative plan's goal is the redevelop the declining corner of 19th & Haskell as mixed use with neighborhood retail and a variety of housing types. The gas station is re-configured with the pumps to the rear and offices above retail. This also serves to mask additional parking needed for the adjacent mixed use buildings. Small lot cottages segue to neighborhood houses facing the Robert H Miller House historic property. The housing types include apartments over the retail, as well as small and medium sized single family detached. This answers the neighborhood's need for affordable solutions, while encouraging ownership.

LAWRENCE, KANSAS
SMARTCODE CALIBRATION
19TH & HASKELL SHOP FRONTS

The redevelopment of this corner will have required shop fronts at the street edge, with parking located behind. Live/work units are envisioned along 19th Street, and they have recommended shop fronts, but may be townhouses if the neighborhood demand for retail does not exist.



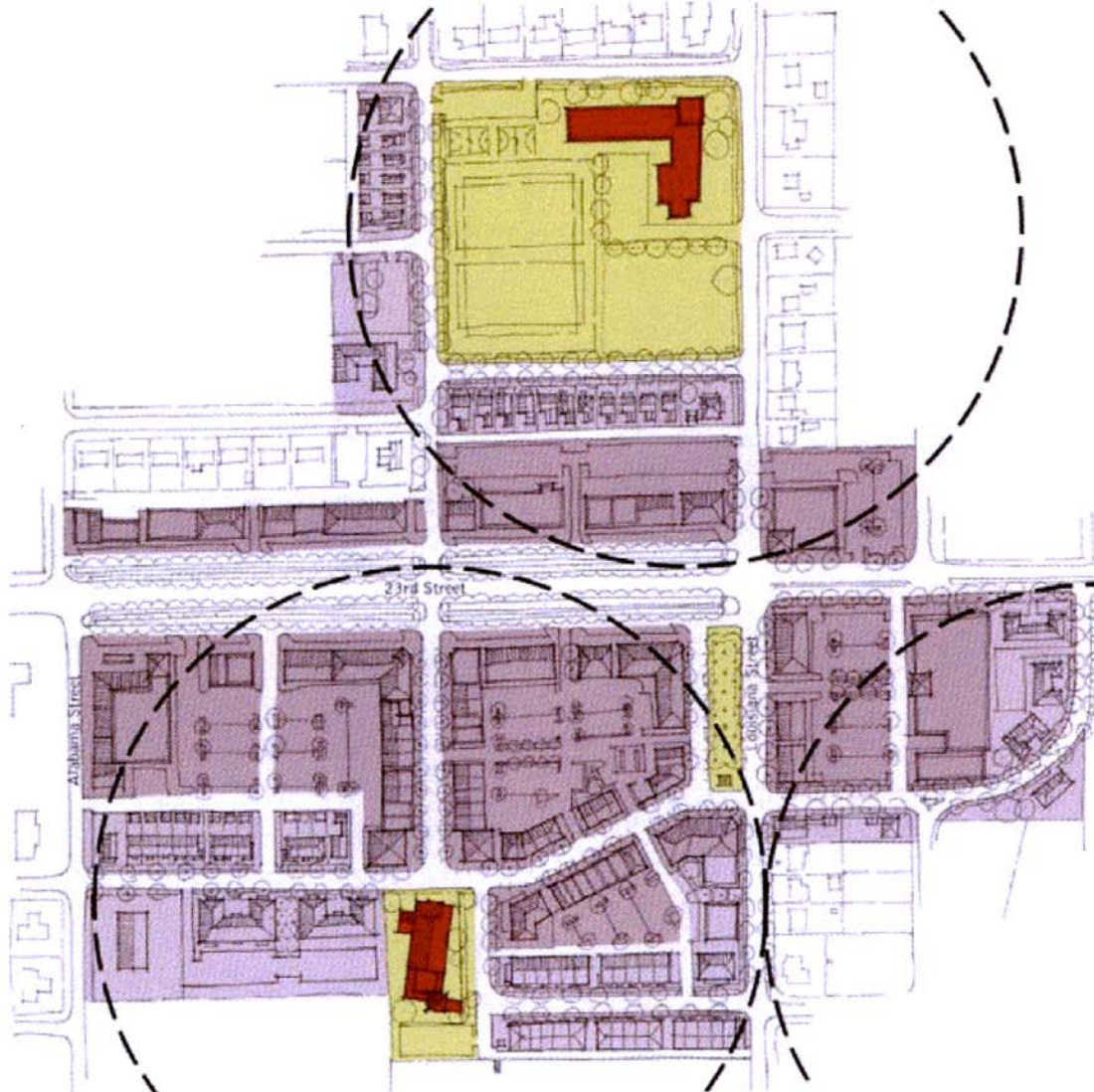
LAWRENCE, KANSAS
SMARTCODE CALIBRATION
19TH & HASKELL REDEVELOPMENT



This view of the 19th & Haskell redevelopment shows how the scale of the proposal is harmonious with the adjacent Robert H Miller House in size, height and material. The neighborhood houses that face the historic property are seen from this angle. This converts the service side of the existing strip center into a neighborhood lane, and faces the houses onto the historic property instead of ignoring the property like the existing configuration. The gas station at the corner of 19th and Haskell is converted to a mixed use flex building with the possibility of office or apartments over the existing convenience retail. The pumps are moved to the rear of the building to make the corner more pedestrian-friendly.



LAWRENCE, KANSAS
 SMARTCODE CALIBRATION
 23RD & LOUISIANA REGULATING PLAN



The T-zones are allocated in response to existing conditions and are structured around Pedestrian Sheds.

T5: Urban Center

Higher intensity with mixed use and significant retail. This zone is what we think of as Main Street.

T4: General Urban

Mixed use, but primarily residential urban fabric.

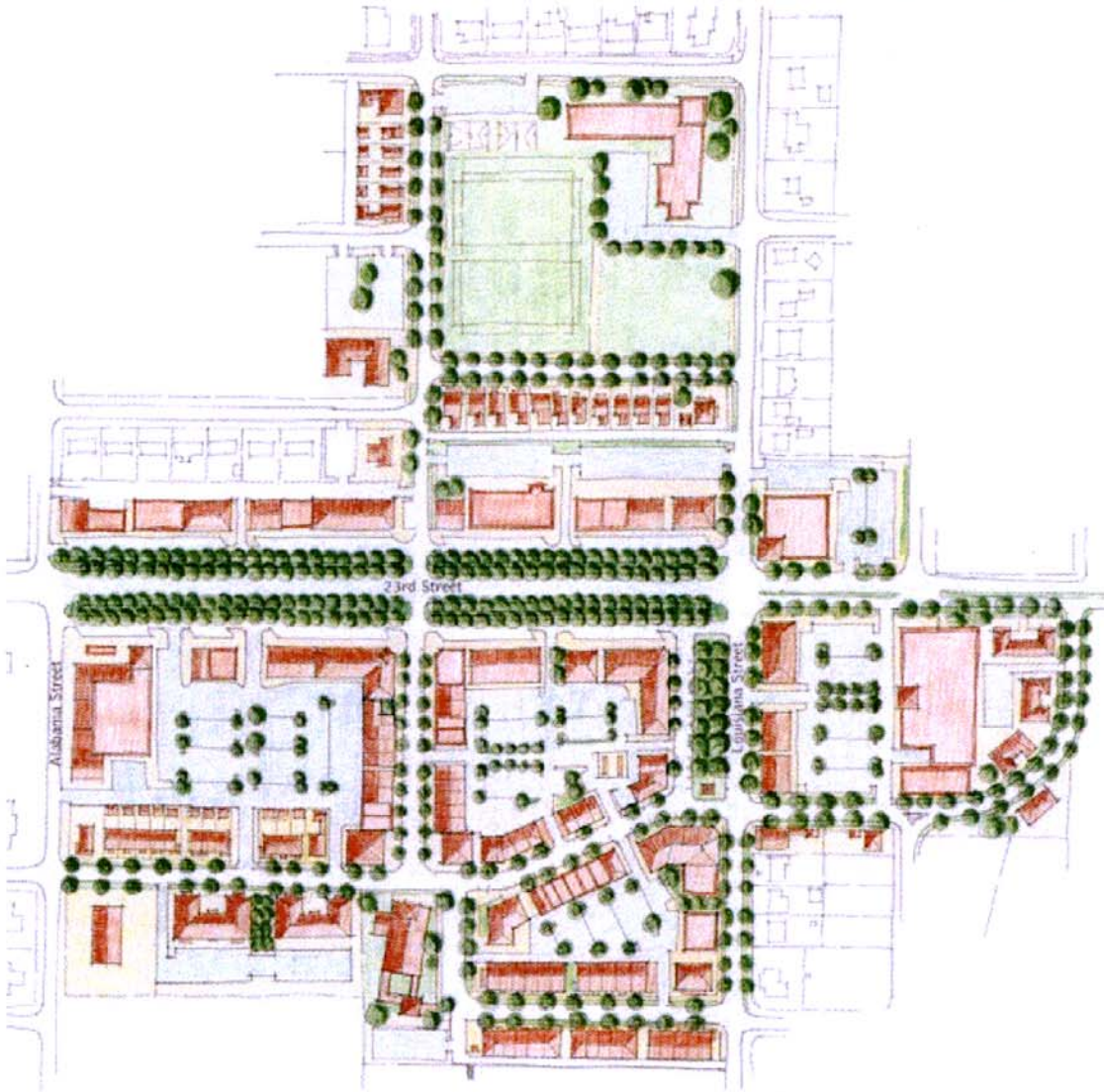
CS: Civic Space

CB: Civic Building

 Neighborhood Center Pedestrian Shed: 5 minute walk



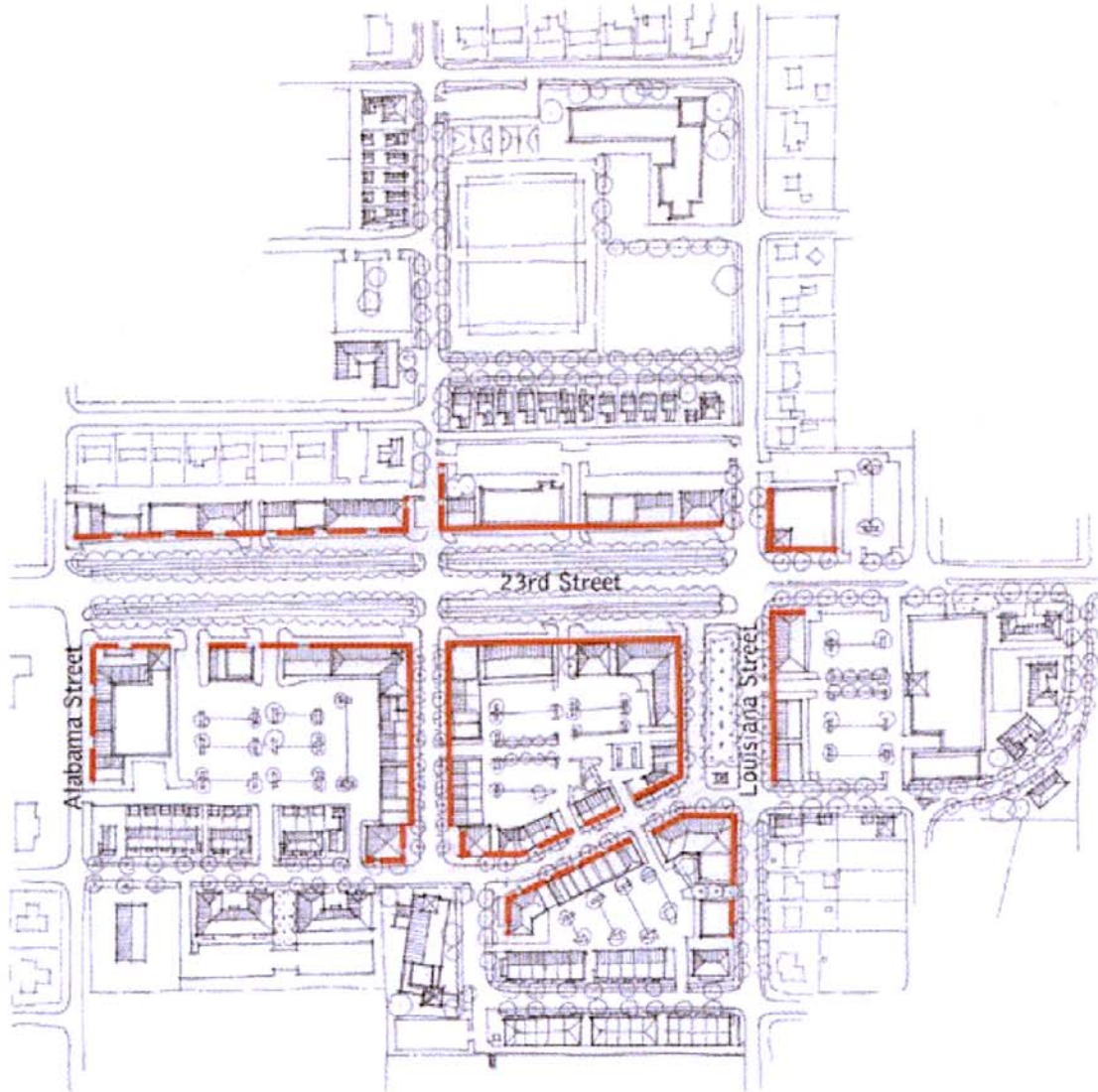
LAWRENCE, KANSAS
SMARTCODE CALIBRATION
23RD & LOUISIANA ILLUSTRATIVE PLAN



23rd & Louisiana currently serves the surrounding neighborhoods with neighborhood scale retail. Although the neighborhood school is no longer a fully functioning civic space, it has the potential of becoming that once again. This proposal includes a church or community center at the south central edge of the planning area to serve the apartments and neighborhoods to the south.

In its current configuration, 23rd is too fast and busy to be anything but a hazard to pedestrians. By converting the street section to a multi-way boulevard, cars can continue to move efficiently through the intersection, while allowing pedestrians to cross safely. A civic green is proposed along Louisiana to allow for a successful retail environment. Courtyard apartments and townhouses are proposed at the edges south of Louisiana, and small cottages are proposed around the school property to the north.

LAWRENCE, KANSAS
SMARTCODE CALIBRATION
23RD & LOUISIANA SHOP FRONTS



Required shop fronts



Recommended shop fronts



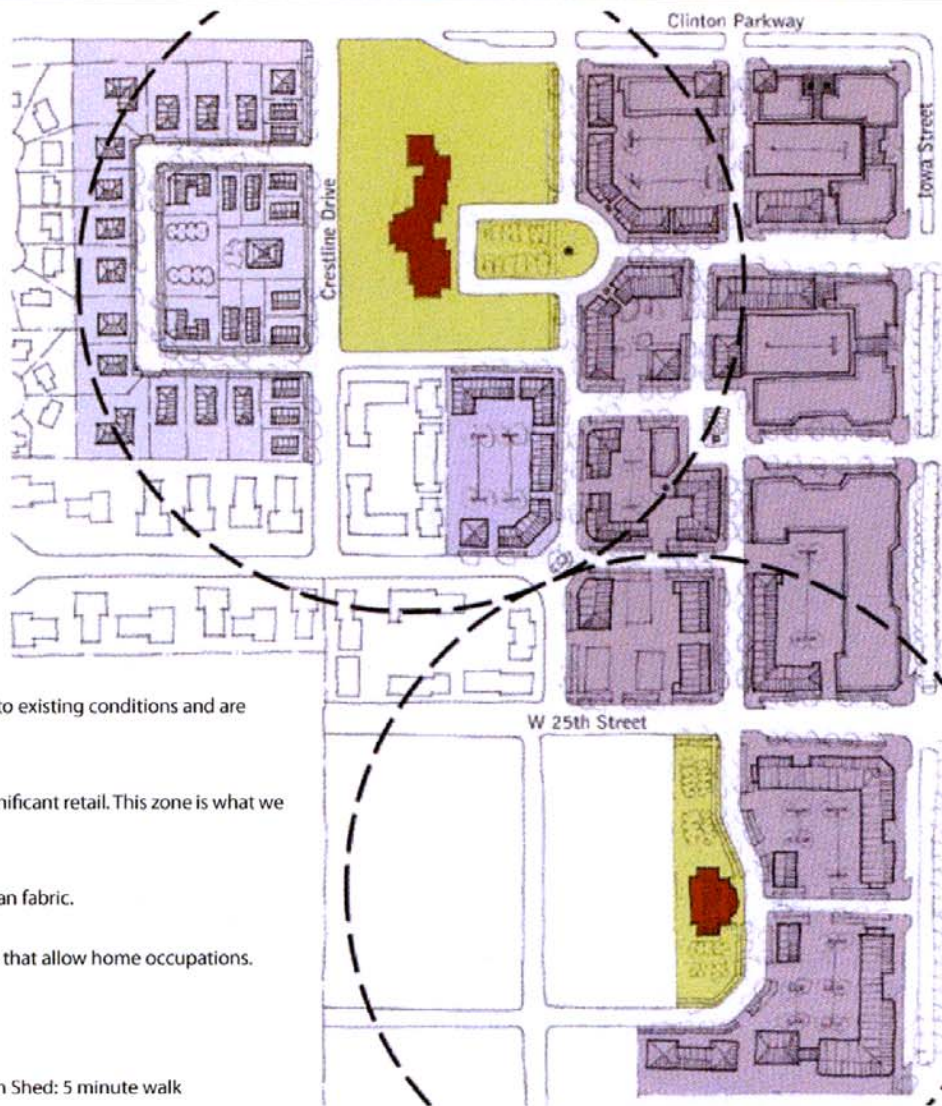
LAWRENCE, KANSAS
SMARTCODE CALIBRATION
23RD & LOUISIANA



This illustration is looking at the proposed redevelopment from the east. The greatest intensity occurs at the corner, and feathers down into the scale of the adjoining neighborhood to the south. The proposed 23rd multi-way boulevard is visible to the right of the drawing.



LAWRENCE, KANSAS
 SMARTCODE CALIBRATION
 25TH & IOWA REGULATING PLAN



The T-zones are allocated in response to existing conditions and are structured around Pedestrian Sheds.

- T5: Urban Center
Higher intensity with mixed use and significant retail. This zone is what we think of as Main Street.
- T4: General Urban
Mixed use, but primarily residential urban fabric.
- T3: Sub-Urban
Low density, suburban residential areas that allow home occupations.
- CS: Civic Space
- CB: Civic Building
- Neighborhood Center Pedestrian Shed: 5 minute walk

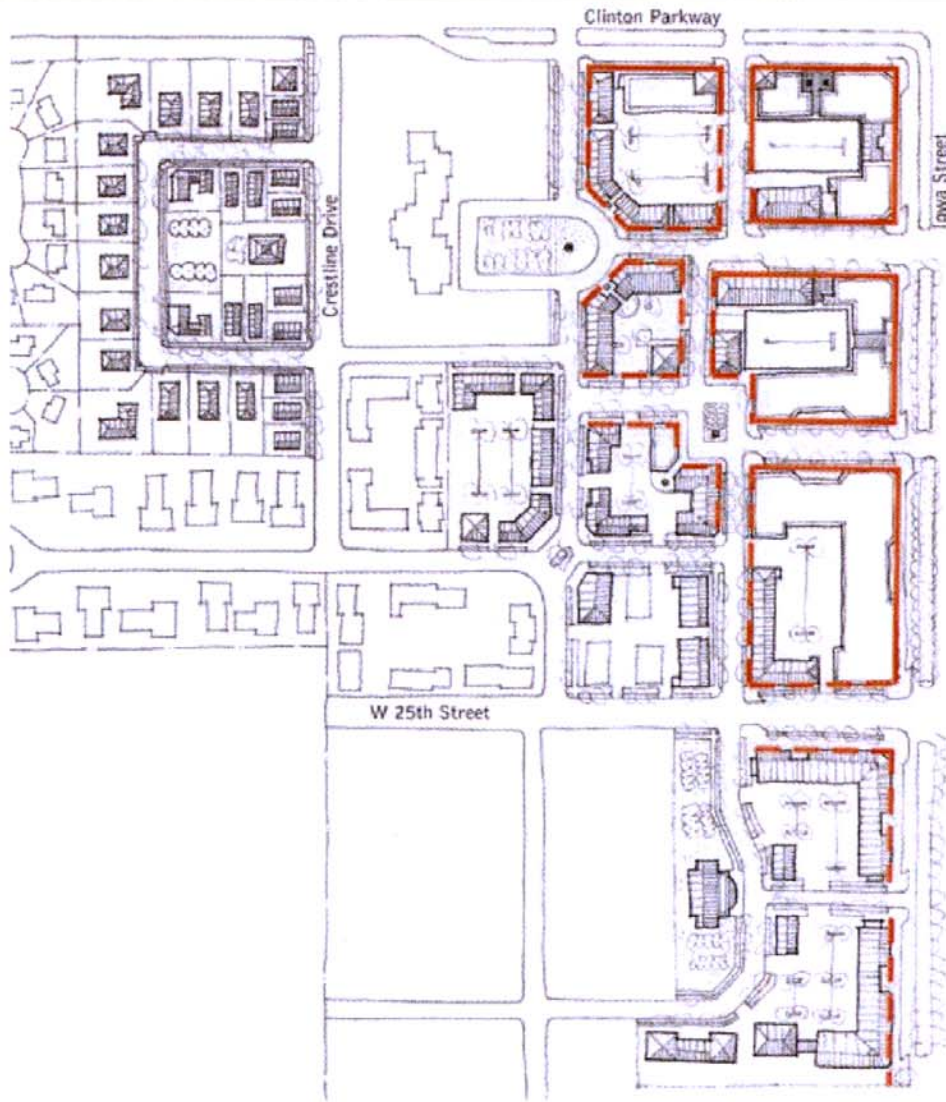


LAWRENCE, KANSAS
SMARTCODE CALIBRATION
25TH & IOWA ILLUSTRATIVE PLAN



This plan shows a possibility for redevelopment west of Iowa and south of Clinton Parkway. The church provides one neighborhood center with single family detached infill to the west, and multi-family to the east behind mixed use flex buildings along 23rd and Iowa.

LAWRENCE, KANSAS
SMARTCODE CALIBRATION
25TH & IOWA SHOP FRONTS



Required shop fronts



Recommended shop fronts



Reserved - Downtown Lawrence Regulating Plan

PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item

PC Staff Report
5/21/08

ITEM NO. 14: CPA-2007-7 (DDW)

CPA-2007-7 Amend Horizon 2020, Chapter 14 Specific Plans, to add a reference to the Lawrence SmartCode Infill Plan.

STAFF RECOMMENDATION: Staff recommends approval of this comprehensive plan amendment to *Horizon 2020* by amending Chapter 14 - Specific Plans to add a reference to the Lawrence SmartCode Infill Plan for the City of Lawrence and unincorporated Douglas County and recommends forwarding this comprehensive plan amendment to the Lawrence City Commission and the Douglas County Board of County Commissioners with a recommendation for approval.

STAFF RECOMMENDATION: If appropriate, approve and sign Planning Commission Resolution 2008-02.

BACKGROUND

The Planning Commission held a public hearing on the draft Lawrence SmartCode Infill Plan on February 27, 2008. The draft has been revised since that meeting. Civic space was added to the Regulating Plan for 19th and Haskell and the Applicability section was revised. Deleted language in the Applicability section has a strike-through if it was deleted. New language is in bold.

SUMMARY

This comprehensive plan amendment (CPA) to *Horizon 2020*, Chapter 14, Specific Plans, to add the reference to the Lawrence SmartCode Infill Plan was initiated by the City Commission at their December 11, 2007 meeting. Initiating the CPA before the plan is adopted is part of a new process to try to move items through the planning process more efficiently. This allows the plan and the CPA to travel together through the process. This CPA will approve the plan and add to Horizon 2020, Chapter 14 the title of the plan, a description of the approximate planning area boundaries, approval dates, and the future review date.

STAFF REVIEW

The development of the *Lawrence SmartCode Infill Plan* began in 2007. The City retained PlaceMakers, LLC in late 2006 to assist with the creation of a Traditional Neighborhood Design (TND) development code. PlaceMakers held a week-long charrette (design workshop) in early February, 2007. As part of that effort, PlaceMakers also developed TND master plans for four areas within Lawrence and two areas outside Lawrence. The *Lawrence SmartCode Infill Plan* contains three of the areas within Lawrence, which are called 19th and Haskell, 23rd and Louisiana, and 25th and Iowa.

All property owners within the three areas were invited to participate in the TND design process. They were invited to a meeting before the charrette, to the opening presentation where the areas were discussed, and also to a special meeting during the charrette. They were also invited to attend the four drop-in studio sessions to assist the designers with the planning of their properties. The master plans for the areas were contained in a draft Charrette Report which was posted online on May 17, 2007 for review and comment.

The areas – 19th & Haskell, 23rd and Louisiana, and 25th and Iowa – were pulled together to form the *Lawrence SmartCode TND Plan*. A draft of this plan was posted online for review and comment on November 14, 2007. Minor changes were made to the draft prior to Planning Commission review. All property owners within the areas found in the *Lawrence SmartCode Infill Plan* were notified of the draft and of the January 30, 2008 Planning Commission meeting.

Once approved, the *Lawrence SmartCode Infill Plan* will enable property owners within the three areas to seek approvals under the *Lawrence SmartCode* for future development or redevelopment. Property owners that choose to use the *Lawrence SmartCode* will have to abide by *Lawrence SmartCode Infill Plan*.

Within the plan, each of the three areas is organized according to the appropriate Transect Zone, is shown illustratively, shows the required and recommended shop fronts, and also delineates the pedestrian sheds (5-minute walk).

Included as part of this staff report, is the proposed amendment to Chapter 14, Specific Plans. This amendment is intended to add the reference to the *Lawrence SmartCode Infill Plan* to the list of specific plans. Staff reviewed this amendment based upon the comprehensive plan amendment review criteria listed below which are identified in Chapter 13, Implementation, of *Horizon 2020*.

COMPREHENSIVE PLAN AMENDMENT REVIEW

A. Does the proposed amendment result from changed circumstances or unforeseen conditions not understood or addressed at the time the Plan was adopted?

The proposed amendment is a result of the changing circumstances that have occurred since the comprehensive plan was first written. When *Horizon 2020* was adopted, it did not foresee the need for Traditional Neighborhood Design (TND) as a development option in Lawrence. Further, at the time *Horizon 2020* was written, there was no Chapter 14, Specific Plans, or anywhere that approved ancillary land use plans were referenced. This is a new plan and provides more clarity regarding the recommended future land use designations and policies in the plan, the specific plans are recommended to be adopted as a part of the comprehensive plan. Staff has suggested doing this by referencing the plan in Chapter 14, Specific Plans. The plan is listed with a description of the approximate planning area boundaries, approval dates, and the future review date.

B. Does the proposed amendment advance a clear public purpose and is it consistent with the long-range goals and policies of the plan?

The proposed amendment is an advancement of a clear public purpose and is consistent with the long-range planning goals and policies of the community. The proposed amendment helps further the goals and policies by guiding development in the planning area while staying consistent with the overall intent of *Horizon 2020* and the goals and policies relating to residential land use, commercial land use, transportation, economic development, parks and recreation, and the various other components of the comprehensive plan. The amendment helps to provide a framework for future development and is more specific regarding policies for the planning area.

C. Is the proposed amendment a result of a clear change in public policy?

As the City of Lawrence and unincorporated Douglas County continue to grow and expand, there is a need to plan potential areas of infill and redevelopment to support TND development. The planning process needs to occur before growth and redevelopment take place and clear guidance needs to be incorporated into the comprehensive plan which supports the community's goals. Chapter 14, Specific Plans, was a clear change to the comprehensive plan and to keep it up to date, the newly adopted land use plans need to be referenced to establish clear direction for the planning areas.

PROFESSIONAL STAFF RECOMMENDATION

Staff recommends approval of this comprehensive plan amendment to *Horizon 2020* by amending Chapter 14 - Specific Plans to add a reference to the Lawrence SmartCode Infill Plan for the City of Lawrence and unincorporated Douglas County and recommends forwarding this comprehensive plan amendment to the Lawrence City Commission and the Douglas County Board of County Commissioners with a recommendation for approval.

Insert Lawrence SmartCode Infill Plan (*Horizon 2020* Page 14-2)

Specific Plans

- **6th and SLT Nodal Plan**
Location: The intersection of 6th Street (US Highway 40) and the SLT (South Lawrence Trafficway)
Adoption Date: November 11, 2003 by Lawrence City Commission
Review Date: 2009
- **6th and Wakarusa Area Plan**
Location: The intersection of 6th Street and Wakarusa Drive
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Location: Bordered by W. 5th St. on the north, California St. on the west, W. 7th St. on the south and Alabama St. on the east.
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- **East Lawrence Neighborhood Revitalization Plan**
Location: Bordered by the Kansas River on the North; Rhode Island Street from the Kansas River to E. 9th Street, New Hampshire Street from E. 9th Street to approximately E. 11th Street, Massachusetts Street from approximately E. 11th Street to E. 15th Street on the west; E. 15th Street on the south; BNSF railroad on the east.
Adoption Date: November 21, 2000 by Lawrence City Commission
Review Date: 2010
- **Revised Southern Development Plan**
Location: Bounded roughly to the north by W. 31st Street and the properties north of W. 31st Street between Ousdahl Road and Louisiana Street; to the west by E. 1150 Road extended(Kasold Drive); to the south by the north side of the Wakarusa River; and to the east by E. 1500 Road (Haskell Avenue).
Adoption Date: December 18, 2007 by Lawrence City Commission
January 7, 2008 by the Douglas County Board of Commissioners
Review Date: 2017

- **Southeast Area Plan**

Location: Bounded roughly to the north by E. 23rd Street/K-10 Highway; to the west by O'Connell Road; to the south by the northern boundary of the FEMA designated floodplain for the Wakarusa River; and to the east by E. 1750 Road (Noria Road).

Adoption Date: January 8, 2008 by Lawrence City Commission
January 28, 2008 by the Douglas County Board of Commissioners

Review Date: 2018

- **Farmland Industries Redevelopment Plan**

Location: The former Farmland Industries property is located east of Lawrence along K-10 Highway and just west of the East Hills Business Park. It is approximately one half mile south of the Kansas River.

Adoption Date: March 11, 2008 by Lawrence City Commission
March 31, 2008 by Douglas County Board of Commissioners

Review Date: 2013

- **Lawrence SmartCode Infill Plan**

Location: Three areas generally known as 19th & Haskell, 23rd & Louisiana and 25th & Iowa.

ready to be transferred to the County. She did not believe the City Commission was at any risk and asked to commend staff for the work they did.

She said the memo the Planning Department prepared with the number of notices and contacts met the mandatory minimum and smothered everyone with notice. It was hard to say that no one had actual notice of the sector plan and the deliberations surrounding it.

Commissioner Amyx thanked staff for their work and the additional information provided. He knew it was quite a bit of work to provide on a very short notice. He said if someone brought forward a plan to revise the sector plan, he asked if that could be done in the future.

McCullough said it was possible if initiated by the Planning Commission or the City Commission.

Commissioner Amyx said there were important items for open space that people in the area brought forward.

Ordinance No. 8358/County Resolution No. 09-01, amending Horizon 2020, Chapter 14, Specific Plans by approving and incorporating by reference the K10 & Farmer's Turnpike Plan (CPA-2008-9), was read a second time. As part of the consent agenda, it was moved by Hack, seconded by Amyx, to adopt the ordinance. Aye: Amyx, Dever, Chestnut, and Hack. Nay: Highberger. Motion carried. (12)

Consider the following items related to Lawrence SmartCode:

- a) Consider approval of CPA-2007-6, a Comprehensive Plan Amendment to Horizon 2020 by creating Chapter 15 – Place Making to ensure proper comprehensive plan language is in place for the proposed Lawrence SmartCode in the City of Lawrence.
- b) Consider approval of CPA-2007-7, a Comprehensive Plan Amendment to Horizon 2020, Chapter 14 Specific Plans, to add a reference to the Lawrence SmartCode Infill Plan.
- c) Consider adopting Text Amendment TA-11-24-07 regarding the Lawrence SmartCode and, pursuant to the provisions of K.S.A. Chapter 12 Article 7, enacting a new Chapter 21 of the Code of the City of Lawrence, Kansas, establishing comprehensive zoning regulations and other land use regulations.

Consider adopting Ordinance No. 8286 on first reading regarding TA-11-24-07 for the Lawrence SmartCode.

Dan Warner, Long Range Planner, presented the staff report. He said there were three items related to the Lawrence SmartCode. The first item was the code itself and then the two comprehensive plan amendments that helped establish the policy to the SmartCode. He said all of those items were unanimously approved by the Planning Commission on May 21. The purpose of the Lawrence SmartCode was to promote Lawrence traditional neighborhood design. It would expand the Lawrence developmental kit by providing an option for developers to design TND neighborhoods. It was a transect based code which basically meant that development was organized according to different levels of urbanism. The code specified form standards and regulated uses, emphasized natural features, mixed land uses, and required open space. The intent was to develop more compactly and develop the needs of neighborhoods. The SmartCode developed bonus incentives, similar to the mixed use district, which changed a little bit. The idea was to provide incentives to promote affordable housing, promote transit supported development, and promote production of environmental quality.

He said the first set of changes were the major changes that occurred when the Planning Commission discussed the SmartCode. Staff went to the Planning Commission three different times with different drafts of the SmartCode and all the changes they made revolved around the development processes of the code. What was approved was a Consolidated Review Committee, the CRC, which approved in this draft. The CRC would administratively approve Article 3 and Article 5 applications. The CRC would be a staff group and would not have any Planning Commissioners.

He said the next group of changes was after the Planning Commission approved the draft and were minor changes for clarification and to clear up conflicts. An administrative notice letter was discussed at the study session in which language was changed to make the appeals process clearer and inserted the correct graphic for the thoroughfare.

Regarding the greenfield process, the first step was rezoning. It was the exact same process that was used under the Development Code and was a public hearing process. After rezoning, a developer could apply for a new community plan which was CRC administratively approved. After that community plan was approved, the developer could seek their building scale approvals which were the site plans and was administratively approved by the CRC.

He said on the infill redevelopment process, rezoning would have the same process and there would be a concurrent review for the infill community plan. The City Commission approved this development plan concurrently with the rezoning. After those approvals were met, the site plan would be approved. He said the process was similar to what they did under the Development Code now and the rezoning was the same process. Staff currently processed site plans administratively under the development code. The difference was the new community plans were CRC administratively approved, the preliminary development plans in the Development Code was Planning and City Commission approved, and the final development plans were administratively approved. It was thought with this draft, they had arrived at a good compromise with public and administrative processes. He said if the Commission thought they were not quite there yet, one option would be to change the Article 3 approval to be similar to what happened under infill. The infill community plans had City Commission approval. It was possible to make the Article 3, new community plans, City Commission approved. Generally the code regulated form and uses. It would be parallel to the existing land development code. It was an optional code that could only be used if the property was in the corporate limits of the City of Lawrence. The code would not be mandatory anywhere. The use of the code would be an all or nothing choice and users would not be able to cherry pick items from this code and apply it to the existing code. It accommodated both greenfield and infill and would become Chapter 21 of the City Code if adopted. They were asking for an effective date of July 1, 2009, to accommodate some training. It was a similar process that was used when the code was adopted.

He said the City Commission received information from David Dunfield prior to the December meeting in which the SmartCode would be discussed regarding architectural standards and those sections listed were the standards. Most communities that adopt a SmartCode did not actually adopt the architectural standards. They were meant to plug in or out of the code and not integral to the form or design of the code. During the charrette, pulling the architectural standards out was discussed, but the comments that were received during the charrette led the consultant to believe they were favorable for the architectural standards. Deviation from those standards could be available through a warrant approval which was an administrative approval. There was a process for deviation to the standards. If in the future, if it was decided that architectural standards process was not working well on some of those projects, they could revise or remove those standards in the future.

He said CPA-2007-6, creating Chapter 15, Place Making, was to ensure the policy and comprehensive plan supported the SmartCode. CPA-2007-7 was the SmartCode infill plan. It contained three areas; 19th and Haskell, 23rd and Louisiana, and 25th and Iowa that were planned by Place Makers according to TND principles during the charrette. The approval of this plan would allow property owners in those areas to seek approvals under the SmartCode assuming they followed those plans. He said staff recommendations were to approve the SmartCode by enacting Chapter 21 and approve the two comprehensive plan amendments.

Commissioner Hack asked if the process was changed for greenfield development to reflect the same process that was outlined for infill, which included City Commission approval of the community plan, would that be a substantial change that needed to be returned to the Planning Commission or could the City Commission approve it this evening.

Warner said it would be substantial, but it could be done with 4 votes.

Commissioner Amyx asked if that was an important part of this approval.

Commissioner Hack said yes.

Commissioner Amyx said the SmartCode was new and rather than changing the process to reflect the current Development Code by this body, he asked if Commissioner Hack's idea would make this code better.

Commissioner Hack said she thought it would be more effective if there was that additional step of the City Commission approval in terms of a procedural step. She said the CRC and the City Commission approval as it existed, with infill, was also appropriate for the greenfield.

Commissioner Amyx said the correspondence had everything to do with participation and having the City Commission address it. The Code was new to Lawrence and if there was a code that worked in going through the same process as the Development Code it would be a lot easier sell in the future.

Warner said if the Commission went that route and made that change, staff needed time to change the draft.

Commissioner Amyx said since the effective date for the new code was July 1, 2009 he asked if the code could be adopted with changes that might come forward between now and July 1st.

Warner said that was plenty of time to get those changes completed.

McCullough said if it was the Commission's desire to adopt that code, staff would hold off with the ordinance portion and make those changes and then bring it back to the City Commission for first and second reading.

Commissioner Highberger said if there were four votes or more, it would not need to go back to the Planning Commission and that process would not get reinitiated.

Mayor Dever called for public comment.

Kirk McClure, Lawrence, said certain districts would be designated as appropriate for development under this code. Once designated and zoned, no further public input would be permitted on the development proposal as it came forward. The development plan within the

district was appropriately zoned; it would go to a staff committee, the Consolidated Review Committee. The CRC looked to its architectural design standards and if it met the guidelines, the building permit was issued within 60 days. There was no review by the Planning Commission and there might be no review by the City Commission unless there was an appeal and the standards for meeting an appeal were very, very narrow. Public input was normally only received at Planning Commission and City Commission and there was no public input in the process. The SmartCode assumed that if the land was zoned, the developer could move to a building permit within 60 days if it met certain architectural requirements.

He said there were a set of things completely wrong with that idea. First off, this code was an example of political double speak. It was a SmartCode when it was nothing of the sort. The phrase "smart" was a cutesy word taken out of advertising. Within the planning context, the word "smart" had meaning; growth management. The trend for smart development codes had been around for 30 plus years and it was because they discovered over time that there was a tendency within the building industry to overbuild, that this harmed communities, and communities have learned to fight back and brought rational pace of growth to their community. Sadly, Lawrence had not been one of those communities. Lawrence suffered from being overbuilt and had an enormous inventory of unsold new homes, a big inventory of unsold existing homes, especially in the older neighborhoods, an inventory of empty and blighted shopping centers, and a lot of leased office space that was sitting empty. The City could have prevented this easily by being smart, but chose not to. Perhaps the only good thing that had come out of this economic downturn was it brought a halt to the spree of overbuilding. The banks had pulled the plug on the developers and told the developers if they could not bring pre-lease agreements on retail space, the bank would not trigger the loans for shopping centers. The city had approved multiple shopping centers on West 6th, but no building activity was going on because the banks would not trigger the loan. He said while the economic downturn had brought this overbuilding to a halt, the City needed to right-size the building industry for when

the economy turned around. It was what a truly smart code could do for the city, unfortunately, despite its name; there was no smart mechanism within this code.

There still was a mechanism where it called for a market analysis, but this was done by the developers. They all knew the phrase used for those developers which was “the liars for higher.” They would go out and generate a report that said whatever the developer wanted it to. Those things were flat out wrong and the City needed to charge their own staff with the market analysis. If the City did not have the skills with current staff, he suggested hiring a consultant, but a consultant who answered to the City. The City needed to learn to read those signals so they could set the pace of growth. Right now, the absence of not reading those signals, the City was hurting the good developments in this town. The Hobbs-Taylor building was still looking for tenants, the 600 block of Massachusetts was still looking for tenants. Those were top quality developments that ought to be setting the standards for occupancy in this town and were sitting empty. It was the pain of going through the overbuilding. The “Smartcode” was anything but smart.

He said the second issue was public input. At this point, what the City had done was traded away public input for very modest gains in the design. The assumption of the SmartCode was that the City could gain improved design by granting fast track authority to the developers. The costs were great and the benefits were minimal and perhaps non-existent. The public was effectively excluded. When the SmartCode first came out, there was no public notice. Now the developer provided a mechanism that if someone lived within 200 feet of the district, a notice would be received. Even if a notice was received, there was no mechanism to have a public review of this process because the Planning Commission’s review was eliminated. There was no notification process and no right of appeal other than for those few people who lived in that sliver of land adjacent to the property. In fact, the City had traded away the public input. He asked what the supposed benefits of this were. The benefits of traditional neighborhood design were illusory and unproven. Illusory was a dream that they would make

significant changes between where they lived and where they were. Lawrence was a college town and had been for a very long time. Over 9,000 people work at the University of Kansas. The University was not going to change where it located those employees. Hallmark, Pearson and others were other major employers who were not likely to make major changes in where the employment was. The separation between residents and place of work was not going to change for the vast majority of workers in this community. Yes, there was a home office process that was going on since the 1980's and it was going to happen with or without the traditional neighborhood design. They were not going to make big changes. Those benefits were also highly unproven. The new urbanism of traditional neighborhood design had been around for quite a while and there had been an awful lot of good research on it. They were not finding the economic benefits of it and not finding improved property values. They were not finding the economic benefits, improved property values, did not increase the sell ability of properties or a lot of great benefits from it.

The SmartCode did nothing to resolve the problems of housing affordability. Cities across the nation were moving along with this problem and the most common tool was inclusionary zoning. Inclusionary zoning mandated that a percentage of units in all new residential developments be set aside for affordable housing units. The SmartCode said much on this but did very little. It set up a system of incentives, which were a little more than density bonuses. They were in exchange for inclusion of such features such as affordable housing, bus stops, green roofs, and so forth.

He said density bonuses had been shown to be relatively little value. They allowed a developer to allow a few more units to an existing site. If they were in a location where the land was a very high percentage of total development costs, it might have meaning. Land costs were a low percentage of total development costs and density bonuses would get them nowhere. The developers would do little or nothing to leverage those bonuses. If the City was serious about affordable housing, this code did nothing and would fail what it set out to do.

He said the City had a set of design guidelines. The guidelines were weak and it was offered to take them out of the code to make them further discretionary. He said this ordinance would create a staff committee, a staff committee without public notice requirements, a staff committee that was not obligated to receive public input, and a staff committee that was under an obligation to make its decisions very quickly. Staff was subject to political pressure. Staff had admitted in various settings that those would be closed meetings. This Commission enjoyed a very unenviable reputation. They were the City Commission of secret meetings and if this code was passed, the Commission would be institutionalizing a new set of secret meetings. The neighborhoods would not know about this development and it would be 60 days from proposal to building permit and the neighbors would find out about it when the building permit was posted. By that time, it was too late.

He said if the City wanted design guidelines, he asked that it be done the right way and smart way, which was to mandate it. The City Commission would lay it out and say that the developers who wanted to meet the guidelines they would be the first to get the building permits. Rather than trade away public input, the City should make the developers compete for the designation of the designated developer for those particular projects. They should compete and appeal to the City Commission to make this the best possible way for this to go forward. They had to have effective growth management to make that work. Rather than let the development community set the pace of growth and saying yes to every shopping center that came along and every subdivision that came along, the City needed to manage that growth and figure out how many square feet of retail space that could be absorbed and only allow that amount to be built each year. Figure out how many subdivisions that could be absorbed every year. It would probably be less than what the developers were willing or like to put forward. That was how the City would get the developers to compete and then could have the public input on which were the best possible ones. The City should not continue to let the private development industry set the pace of growth to prevent the kind of problems they were facing

now. If the City Commission wanted affordable housing in this town, they needed to adopt an inclusionary zoning ordinance. Density bonuses were not going to do it and public input should always be part of the planning process and need not be sacrificed.

Gwen Klingenberg, Lawrence, said recently the paper had an article about the City Commission's concerns for affordable housing and the SmartCode was the ideal place to require an affordable housing component. As a member of the Housing Needs Task Force, she heard the concerns of the development community of not being able to build affordable housing and complained about things like land prices and other things that cost the builders to have to build above a certain price point. As she told the Planning Commission, when developing large acreage of new development, there was room for a percentage of affordable houses. Lot sizes could be smaller, live/work development and cluster development were great ways to build affordable housing. When they were dealing with large lots, variances and warrants were not going to be needed enough for the incentive package that was now part of this document and therefore affordable housing should not be incentivized as a hope and not a reality.

She said she pulled up the SmartCode from PlaceMakers and noted that the word "should" in the purpose section of the document were blue, just as the section for municipalities, adoption dates and other interchangeable language. She asked the point of creating a document that was supposed to be a community visioning if leaving all the actual purposes to the developers and not the community. If they really wanted to retain the region's natural infrastructure, visual character, encourage infill development, development to be contiguous and not sprawl, traditional neighborhoods, connectivity, pedestrian orientation and affordable housing, they should make it a requirement. The blue words (should) in the PlaceMakers purpose section allowed the vision of the community to set which should be "shall" and which should be "should." This document had set none of the words "shall" in the purpose section. If they left the door open, they would be amazed at what they would actually get. They should

take care to require and make a “shall” instead of a “should” under purposes or the purposes would be dismissed.

She said under “preserved” and “reserved” open sectors, there were three very important terms that would be under “preserved” and should not be developed, which included legacy woodlands, legacy farmlands, and legacy view sheds. Those were spaces subject to development without the public hearing of the City Commission under the reserved open sectors. There was a City Commission hearing if they were under “preserved”, but not “reserved.” She asked what the point of legacy was if they had no intention of honoring those areas for future generations.

She said as for the CRC, it took the community out of the process. The biggest issue was the loss of transparency and the democratic process with this code. Several Kansas statutes referred to requiring a public hearing if they were going to make new streets, easements, affect property values and many other things. The state required a hearing and as for the open meetings act, the CRC would be making those decisions behind closed doors. At no time was a project so needed and desperation so set in that Lawrence would need to abandon the democratic process of public input or the loss of transparency in the City's process. This document, as written, removed the constitutional and state protected rights of taxpayers and residents of Lawrence to allow public discussion on their own growth and quality of life. She said she talked to other communities who have adopted a SmartCode and the CRC was also a big issue. She did not talk to any City that was using a CRC. It was either transferred to the Planning Commission or city council. She pointed out this document was very specific when it came to windows and where building façade went. Lawrence was an art community and triangle windows were all around the community. She asked why they were being so specific about windows when they were not being specific about the community vision. This document was backwards in thinking and needed to be rethought. This document stipulated too much on the materialistic and not enough on the vision and democratic process of Lawrence, Kansas.

Luke Bell, Lawrence Board of Realtors, commended the Planning staff for their work. It was a two or three year process and had been through the process quite a bit and multiple changes had been made. He said several commentators talked about the pace of growth and using smart growth to limit growth in the community. He said he would like to emphasize that the SmartCode was not intended to be a no growth or antidevelopment code. It was simply about quality of life and creating walkable neighborhoods, quality of life in the community, attractive design, preserved green space, encouraged quality neighborhoods and was not about limiting growth or making an antigrowth community. It was about improving the quality of life in their neighborhoods and thought that was what the SmartCode should be tailored to.

He said he also wanted to emphasize that the residential and commercial development was not one size fits all, which was why they were encouraged by the fact that the SmartCode would be parallel to the existing development code. He urged the City Commission to retain that feature of the SmartCode. It was not going to work for every type of development, but over time would need to be tweaked. Certain developments would go first and see how it worked. Two or three years down the road the City Commission could take another look at the SmartCode but for now, they urged the City Commission to retain its parallel existence to the current development code.

Commissioner Highberger asked Warner to comment on items Klingenberg mentioned in her comments.

Warner said he thought Klingenberg was speaking under the Purpose Section 1.2, which were policies the code was implementing and there were a lot of "shoulds" that meant it was a great idea, but not making you implement all of those policies and he thought Klingenberg preferred to see "shalls" in most of the statements, such as affordable housing.

Commissioner Highberger said those were not design standards.

Warner said correct. They were general purpose statements.

He said Klingenberg was quoting Article 2, "Preserved Open and Reserved Open. It came straight from the Model Code. Article 2 was not tweaked much because a sector plan was prepared for the City by PlaceMakers. The purpose of Article 2 was to prepare sector plans. He said it was similar to what would be adopted in other places because it had not been changed from the model.

Commissioner Highberger asked if Warner had recollection why some things like surface water bodies were in the preserve sector and other things like floodway were in the reserve sector.

Warner said flood fringe could develop with an H&H study and those sorts of things. The floodway for utilities, the existing code did not limit those exactly either.

Commissioner Highberger said the preserved things were things that were legally protected and the reserved things were things the intent was to protect but the legal protections were not in place yet.

Warner said yes, that was how it was discussed during the charrette.

Commissioner Amyx said during the study session discussion took place on how the CRC would operate.

Scott McCullough, Development Services Director, said as staff thought about the process, it would be similar to how site plans were processed today that had zoning in place. That was a process of public notice to the adjoining property owners and neighborhood associations. It was not notice of a certain meeting, but notice that the information was out there. They also had a practice now of including site plan graphics on the City's online notification so Neighborhood Associations could look at the site plan in a moment's notice once posted on a weekly basis. The actual process of site plans in the current code or certain articles of site plans in the SmartCode would happen in one or a series of meetings of internal staff meetings where the code was reviewed, processed, a determination was made and then the appeal period started. It was just what staff did with the site plans today and proved to be pretty

effective with neighbors and Neighborhood Associations. Staff was speaking with those associations before staff made decisions. The City Commission had an opportunity to add a layer of review of the governing body which was more akin to the way preliminary and final development plans were processed previous to the new Development Code. Staff would still do the administrative process, but then the City Commission would be the decision maker and not the CRC. He said that might be appropriate also.

Mayor Dever said in the Planning Commission meeting minutes, Klingenberg mentioned the CRC was needed, and asked her if she now was saying that committee was not ideal.

Klingenberg said she never had approved of the CRC so the Planning Commission minutes must be inaccurate. She said in all her speeches she had a concern for land and neighborhood involvement was very important. She said LAN pushed for the involvement that was part of the infill development, but would also have green fields that would be next door to neighbors and they had a community that wanted to be involved in growth, but the CRC took that away.

Mayor Dever asked if Klingenberg's biggest concern was the CRC was not using the public hearing process, the fact that the committee existed, or the process by which those things would be evaluated.

Klingenberg said the fact the discussions were behind closed doors and there was no public input. With their state statutes, if they were dealing with putting in roads, easements or something that was going to be done to affect the property values, the state required a public hearing if that issue was created. She never supported the CRC as a private, behind closed doors discussion.

Commissioner Highberger said there were good points about the architectural guidelines. He asked if this was adopted, did Klingenberg prefer to see the architectural guidelines gone over and improved or done away with entirely.

Klingenberg said because they were trying to create a certain look they needed the architectural guidelines. She thought the current guidelines needed a lot of work.

Mayor Dever asked Warner if he had talked to other communities that have adopted the SmartCode. He said the whole CRC seemed contentious. He asked if Warner talked to anyone who indicated the CRC was an effective means in evaluating this type of guideline or activity.

Warner said he had not really spoken to communities about the CRC. He thought it was an issue because it was a completely different process than what normally happened through a rezoning development plan process, but it was not entirely different than what was being done with the development code and administrative process. He said he thought Lawrence was closer than some communities on the administrative side of things.

Mayor Dever asked the inference that those were to be closed meetings, could the public not give any input when making those decisions. He said he was wondering about the transparency of this process. He said using the current City's code he asked how transparent it was relative to how the CRC would behave.

McCullough said it would behave similarly and tried to mirror the Development Code. This had been a compromised position throughout the process. One of the things the consultant talked about was an incentive for this code. If buying into its benefits and elements that could be beneficial to create neighborhoods, one of the incentives for some communities had been to streamline the process. He said there was a hearing for rezoning and establishing whether to enter into the SmartCode and then in turn an administrative process for the prescribed parts of this code. He said he would not characterize what they did now in the Development Code as secret or closed meetings. It was a very open process, had a lot of notice to the community, they were open to receiving notice and having meetings with people who had issues with certain plans. They also had the appeal process to the SmartCode. The question was had the new code gone far enough in terms of its public input. They would have it at the rezoning level, the planning level for infill, and it was the fringe or the greenfield

developments that would not necessarily affect the current higher density neighborhoods where staff thought the compromise might be to keep it streamlined, but again it was how the governing body felt was appropriate for this code.

Commissioner Hack said as they worked their way through the Development Code, the issue of administrative approval for site plans was something different as well. She said she still thought the additional Commission layer was good for infill and greenfield development, but that particular portion of the development code people were concerned because it had been something the Commission had done which had proven to be effective with staff review. Sometimes it was just getting used to something, but she still believed that greenfield development should reflect the same kinds of process the infill did in the SmartCode. She said she would be more comfortable if it had that extra layer.

Mayor Dever said he was not sure everyone grasped the concept Commissioner Hack was describing in that it would be more arduous to do greenfield Development.

Commissioner Hack said infill developments were smaller areas that were already designated, but the greenfield would be a larger development. She liked the idea of the CRC viewing and working their will on it as well because those gave the expertise with the utilities, fire codes, and how it complied with the code itself. Bringing it to the City Commission made sense and following the CRC, rezoning would be the same process, the community plan would have the CRC approval and then come to the City Commission.

Mayor Dever asked if the size of the development was the hurdle or the trigger for requiring the additional step or was it because of the impact it might have on the community.

Commissioner Hack said both. Infill development could be challenging for both parties and putting the City Commission in the middle did make sense in terms of the City Commission hearing both. The greenfield development was a huge new neighborhood design. If the City Commission believed that traditional neighborhood design was important, which was something

the City had been moving toward for a long time then the Commission had to make it fiscally and feasibly appropriate for both developers and existing neighborhoods.

Commissioner Highberger said one of the reasons he ran for City Commission in 2003 was because he looked around his neighborhood and downtown Lawrence and thought there were some really good things about it and wondered why no one was building neighborhoods like that anymore. He realized one of the reasons was because it was illegal. They could not build the things he liked about the City in the current zoning code. He said fortunately they were able to find the funds to secure the PlaceMakers grant, had the design/charrette process, and were getting to the point they were now.

He said this code was not going to solve every problem in the City of Lawrence. He agreed with McClure that growth management was probably a good idea and did not think there were three votes on the City Commission to do that right now and killing this code would not get them closer. Likewise, with inclusionary zoning, when he was Mayor he called together an Affordable Housing Taskforce and inclusionary zoning proposal was one that came out of that and it did not get anywhere.

He said public input should always be a part of the development process. He helped encourage the start of this process and his goal was to have Lawrence, Kansas have a code that would allow traditional neighborhood design to occur and preferred that type of design to be mandatory for all new development, but again, he did not have the votes for that idea. He was ready to move forward with an optional code. If an optional code was going to be used, it had to be preferable to the City's parallel code or it would not get used and the entire process would be useless.

He said he did not think compromising in the public process was the way to get there. He was happy to hear at least four commissioners saying they were willing to make changes in the current draft to change the approval process for greenfield development to be the same as for an infill development, which did require the entity preparing the development plan to meet

with and involve the neighborhoods adjacent to the project prior to submitting the plan. The language needed to be tweaked somewhat for infill development which might or might not have any active neighborhoods adjacent to the project. The notification process for the greenfield developments needed to be altered and a broader notice might be needed. He disagreed with some of the characterization of this code and thought the code had substantial requirements for connectivity of streets and street design requirements because there were requirements for a certain percentage of commercial development within neighborhoods. Having this option would make it possible for more citizens to live where they work, shop where they live, and to do things like that. There were studies showing that vehicle miles decreased for households living in TND neighborhoods.

This code was not perfect and would require some modification over the years, but took them a big step forward. He said with the suggested revisions he strongly support the proposed code.

Vice Mayor Chestnut thanked the three Commissioners who had been through this process because it had been a long one. He said one thing that was important to him as this code developed was an opposite opinion of Commissioner Highberger which was the proposed code was not trying to be a growth regulation type of proposal. There was some irony in some of the comments made regarding not being able to change employers and where people work and where they live, and yet to turn around and say they wanted to regulate all of the development. He did not see that as being an effective tool. He said this was the right approach, in particular, regarding comments about the vision of the community because there was a whole lot of input taken about the vision of the community. It had been through a significant amount of public comment. At the end of the day, no one got exactly what they wanted, which probably meant it was a pretty good policy because it compromised with a number of stakeholders in the community.

He agreed with Commissioner Hack's comments that a 60 acre tract was something that ought to come before this body and on the other side with a 60 acre tract there was no way that there would not be massive public process and notification. Everyone would know in town because it would be in every paper and everything else. He said he understood that there might need to be some tweaking on public notice, but he supported what the Planning staff was trying to do. He said in the comments on the sector plan, to go above and beyond on notification and to make sure all the stakeholders had some type of vested interest in whatever project was in front, and staff had tried as much as possible, outside of what was legally required, to notify people and to receive as much input as possible.

He said the accusations of nefariousness were great drama, but had little fact. The fact was whether it be the neighborhood associations, the development community, the people who had sat on the City Commission before, all had the best intentions in mind of trying to create what they thought was going to be a great enhancement to this community. It was why he supported it and was exciting to think about something that would entice capital to really look at developing traditional neighborhoods. He spent some time with some people who knew a lot more about it than he did, and they were pretty excited about the opportunity to look at a project like this and look at narrower streets, less turn radius and a lot of things talked about in downtown Lawrence. He said he had even seen developers take that grid of downtown Lawrence and overlaid it onto the west side of town and have this type of design some place else with traditional neighborhood design which was what everyone was trying to achieve and were the goals in this effort. The only way progress would be made was to get something moving and realize there was always work to be done.

Commissioner Hack echoed the gratitude for staff and particularly Dan Warner's work. She said people were fascinated and appreciative of the traditional neighborhood designs. She remembered comments from Commissioner Highberger about how much he liked downtown but the downtown was illegal.

She said they began this journey on the idea of a parallel code and while she appreciated the idea and because it was a great new concept, the newness of it did not allow that type of design for now. Over time, they could work toward that type of design and could become how Lawrence designed neighborhoods. She said if Lawrence desired this type of design, they new it was cost effective. When doing the fiscal impacts of growth study and TND design was overlaid south of the Wakarusa and in the northwest part of town, if looking at the cost of service in those areas, it was less expensive to put traditional neighborhood design in both of those areas than it would have been with the current development code. She said they needed to make the process cost effective not only for the developers, but for City staff. If involving staff in countless hours of continual meetings over and over again, hitting the same nail with the hammer, it was not a cost effective use of City staff.

She said this concept was approved unanimously by the Planning Commission. She said she would like to see the process for greenfield and Infill Developments be the same because of the size of one type of development and the impact of the other development were parallel in terms of the necessity for public process. She said the City Commissioner layer after the CRC was appropriate.

Commissioner Amyx said several years ago, he had the opportunity to visit with then Mayor Highberger about traditional neighborhood design and that discussion helped him decide that something was needed to establish traditional neighborhood design in Lawrence. The vehicle brought to the City Commission was the SmartCode and public input was heard throughout that entire process. He said this plan was not perfect, but the main concern was public input into the process.

Other concerns were to make sure the appeals process was understood as well as the CRC process.

He said he wanted to mention the letter received by the City Commission from former Mayor Dunfield that talked about taking risks and how this code might be risky, but it was something that was important, and he believed that was a true statement.

There were a number of changes to the development code that was brought to the City Commission which would help with this code. He said he would hate to see this code adopted, but not used because the City Commission would be letting the public down and City staff down.

He said his only concern at this point was the access to the CRC and letting people have access to that process.

Mayor Dever said the City Commission needed to seriously consider the effects of putting restrictions on greenfield development. He was in favor of those restrictions, but he wanted to make sure they were not discouraging the use of those codes because there was no incentive to use those codes. He said he was in favor, but wanted to make sure they were not doing something that would take away the power of this design standard and process.

McCullough said it was a balancing act. He said it was whether or not it was an important incentive to the community when in growth mode. It was hard to predict whether that would be an important element or not. He said the profitability and uniqueness of something like this would be enough incentive to get someone interested in the code. He said knowing what everything needed to look like was a better guarantee in moving forward on the process would lead to an outcome of success. He said it was important to note that this code did not abandon the growth management policies of the comprehensive plan. Anytime a rezoning came before the City Commission, staff had an element in the staff reports, policies of the comprehensive plan. He said staff recently reviewed their first retail market study that showed they were hitting that magic trigger of 8% vacancy. He said staff took those issues to heart and made them part of the public discussion as part of those projects. He said it would be interesting in the future to see whether or not that was meaningful to the development

community and see if they had to go through another month or two of process in a 60 acre development, but staff did not know.

Mayor Dever said he felt like they had addressed the issue of transparency of the CRC. He said it was implicit that staff involved the public and would have a fairer and clearer process. He said he was generally in favor and supported passing the plan amendment, but make sure they include any changes carefully.

Commissioner Highberger said he understood the Mayor's concern and it was obviously useless if it did not get used, but should adopt it with a good public process. A good way to incentivize this was not throwing away the public process, but should provide other incentives in the future if it was not getting used.

Moved by Highberger, seconded by Hack, to approve a Comprehensive Plan Amendment (CPA-2007-6) to Horizon 2020 by creating Chapter 15 – Place Making to ensure proper comprehensive plan language is in place for the proposed Lawrence SmartCode in the City of Lawrence. Motion carried unanimously. (13)

Moved by Hack, seconded by Amyx, to approve a Comprehensive Plan Amendment (CPA-2007-7 to Horizon 2020, Chapter 14– Specific Plans, to add a reference to the Lawrence SmartCode Infill Plan. Motion carried unanimously. (14)

Moved by Hack, seconded by Amyx, to defer for two weeks consideration of approval Text Amendment (TA-11-24-07), regarding the Lawrence SmartCode, and directed staff to come back with amendments regarding the Greenfield Development process; increased notification options; and, options on how to proceed with the architectural design guidelines. Motion carried unanimously. (15)

PC Minutes 5/21/08

ITEM NO. 13 CPA-2007-6 (MJL)

CPA-2007-6: Amend Horizon 2020 by creating Chapter 15 – Place Making to ensure proper comprehensive plan language is in place for the proposed Lawrence SmartCode in the City of Lawrence.

ITEM NO. 14 CPA-2007-7 (DDW)

CPA-2007-7: Amend Horizon 2020, Chapter 14 Specific Plans, to add a reference to the Lawrence SmartCode Infill Plan.

ITEM NO. 15 ADOPTION OF THE LAWRENCE SMARTCODE (DDW)

ADOPTION OF THE LAWRENCE SMARTCODE

TA-11-24-07: Pursuant to the provisions of K.S.A. Chapter 12, Article 7, consider making a recommendation on the adoption of "Lawrence SmartCode" enacting a new Chapter 21 of the Code of the City of Lawrence, Kansas, establishing comprehensive zoning regulations and other land use regulations. The "Lawrence SmartCode" is an optional development code that is parallel to the City's existing zoning and subdivision regulations and affects all property within the corporate limits of the City of Lawrence, Kansas. Copies of the "Lawrence SmartCode" are available for review at the Office of the Lawrence-Douglas County Planning Department, City Hall, 6 E. 6th Street, Lawrence, Kansas. The "Lawrence SmartCode" is also available at www.lawrenceplanning.org.

STAFF PRESENTATION

Mr. Dan Warner and Ms. Michelle Leininger presented items 13, 14, and 15 together.

Commissioner Eichhorn suggested removing the bullseyes from the North Lawrence part of the map in the proposed Chapter 15.

PUBLIC HEARING

Ms. Barbara Clark, showed map.

Ms. Gwen Klingenberg, felt that the CRC was needed. She expressed concern about individual lot planning. She was also concerned about building heights and the wording of 'shall' and 'should.' She did not feel that this Code was trust worthy.

Ms. Jeanne Pees, Sunset Hills Neighborhood Association, felt that public input was an important part of the process.

Ms. Carolyn Crawford was concerned about notification to neighbors and letters being sent in regular mail. She felt letters should be mailed classified.

Mr. McCullough stated that property owners are notified by the City using regular mail regarding rezonings.

Ms. Betty Lichtwardt, League of Women Voters, was concerned about provisions of the regular Code that are needed are not in the SmartCode. She was also concerned about public involvement. She stated there was nothing in the SmartCode that has street standards and guaranteed access. She said she was concerned about what was missing from the SmartCode, not what was included.

COMMISSION DISCUSSION

Mr. Warner referenced standards for streets on page 60 of the SmartCode. He said that the SmartCode does have provisions for variance or warrants (waivers).

Commissioner Harris was concerned about neighborhoods not being notified.

Mr. McCullough stated that the adjacent property owners and neighborhood associations are notified, as well as a public notice signs being posted for public hearing projects.

Commissioner Hird asked if it would be a hardship to send mail notices via registered or certified mail.

Mr. McCullough said the hardship would be the cost.

Commissioner Harris felt that the neighbor notification should be expanded.

Commissioner Hird agreed with Commissioner Harris and felt that if the property owner notification was expanded that the mailing would not have to be registered or certified.

ACTION TAKEN ON ITEM 13

Motioned by Commissioner Finkeldei, seconded by Commissioner Carter, to approve the comprehensive plan amendment to Horizon 2020 Chapter 15, with the removal of the two North Lawrence bullseyes from the map and the removal of G3 from the legend, and authorize the chair to sign PC Resolution 2008-01.

Unanimously approved 8-0.

ACTION TAKEN ON ITEM 14

Motioned by Commissioner Finkeldei, seconded by Commissioner Moore, to approve the comprehensive plan amendment *Horizon 2020* by amending Chapter 14 - Specific Plans to add a reference to the Lawrence SmartCode Infill Plan for the City of Lawrence and unincorporated Douglas County and recommends forwarding this comprehensive plan amendment to the Lawrence City Commission and the Douglas County Board of County Commissioners with a recommendation for approval, and approve and sign Planning Commission Resolution 2008-02.

Unanimously approved 8-0.

ACTION TAKEN ON ITEM 15

Motioned by Commissioner Finkeldei, seconded by Commissioner Carter, to approve the proposed Lawrence SmartCode enacting a new Chapter 21 of the Code of the City of Lawrence, Kansas, and forward to the City Commission, with a change clarifying the platted requirement lot and requiring 200 feet notice to neighbors.

Unanimously approved 8-0.

PC Minutes 4/23/08

ITEM NO. 13 CPA-2007-6 (MJL)

CPA-2007-6: Amend Horizon 2020 by creating Chapter 15 – Place Making to ensure proper comprehensive plan language is in place for the proposed Lawrence SmartCode in the City of Lawrence.

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STAFF PRESENTATION

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Commissioner Finkeldei inquired about the makeup of CRC and was concerned about having only two members of Planning Commission on it.

Mr. Warner said that Planning Commission ultimately approves plats, but as a subcommittee they could handle the plat efforts within the SmartCode.

Commissioner Eichhorn was concerned about open meeting issues.

Commissioner Moore asked if the two Planning Commission members would be on a committee with other members and the committee as a whole would make a decision.

Mr. Warner replied that was correct.

PUBLIC HEARING ON ITEMS 13, 14, & 15

Ms. Bobbie Flory, Lawrence Homebuilders Association, supported the retention of the CRC for the SmartCode. She said the administrative approval process was an incentive and if it is removed then it will not matter. When the administrative process is removed it leaves the developer with concerns and that the appeal of the SmartCode are the rules.

Ms. Gwen Klingenberg, Lawrence Association of Neighborhoods, liked the new draft and supported the CRC being taken out. She was concerned about public right of ways and preserving natural resources.

Ms. Beth Johnson, Chamber of Commerce, was in support of the SmartCode being parallel with the Code.

COMMISSION DISCUSSION

Commissioner Finkeldei did not like the idea of having two Planning Commissioner members on CRC. He felt the committee should be all staff. He felt that by putting two Planning Commission members on the committee that it would put too much power on people who are appointed.

Commissioner Eichhorn said he did not think that they need another advisory board to allow the process to go through. He did not feel that CRC was the way to go and did not think it was necessary for Planning Commission members to serve on a board.

Commissioner Carter agreed with Commissioner Eichhorn.

Mr. McCullough said that there was value in Planning Commissioners reviewing plats and that staff recommend Planning Commission members serve on the committee because they are the appointed lay people that represent the community.

Commissioner Blaser said he did not see the need in having two Planning Commission members on CRC.

Mr. John Miller said that the Plat has to be approved by Planning Commission, so if CRC is not a subcommittee of Planning Commission then plats would have to be approved by Planning Commission.

Commissioner Finkeldei said that he would be in favor of having four Planning Commissioners serve on the CRC board, instead of just two, because he felt it was too much power for two members.

Mr. McCullough reminded them that CRC has voting members but also designees of City departments. It would be the committee as a whole, not just the two Planning Commission members making the decision. He said the preference was to have Planning Commission members on the CRC but that staff can explore options.

NO ACTION TAKEN ON ITEMS 13, 14, & 15

PC Minutes 2/27/08

ITEM NO. 17 CPA-2007-6 (MJL)

CPA-2007-6: Amend Horizon 2020 by creating Chapter 15 – Place Making to ensure proper comprehensive plan language is in place for the proposed Lawrence SmartCode in the City of Lawrence.

ITEM NO. 18 CPA-2007-7 (DDW)

CPA-2007-7: Amend Horizon 2020, Chapter 14 Specific Plans, to add a reference to the Lawrence SmartCode Infill Plan.

ITEM NO. 19 ADOPTION OF THE LAWRENCE SMARTCODE (DDW)

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STAFF PRESENTATION

Ms. Michelle Leininger and Mr. Dan Warner presented items 17, 18, and 19 together.

Mr. Warner gave the history of the SmartCode.

Commissioner Harris asked how infill is defined.

Mr. Warner said that it is defined as anything that is within the City right now, so not necessarily surrounded by development.

Commissioner Moore felt that infill meant existing roads, structures, etc.

Commissioner Eichhorn asked how the bullseye map lined up with the industrial map.

Mr. Warner said that it did not exactly line up.

Commissioner Eichhorn asked if it would make sense to match them up.

Mr. Warner said ideally they would want the whole Horizon 2020 to make sense with the SmartCode but that is a bit of a project. There are conflicted policies but ideally it should match as much as possible.

Commissioner Hird asked if there had been any analysis of the plans on the downtown area.

Mr. Warner replied no, T5.5 zoning is not allowed.

PUBLIC HEARING

Ms. Gwen Klingenberg, President of Lawrence Association of Neighborhoods, mentioned other parts of the Development Code such as neighborhood notice and sensitive lands. She did not want a CRC committee. She would like to see more affordable housing. She stated that the SmartCode conflicts with other codes and does not protect sensitive lands. She was concerned about the loss of transparency and democratic process.

Mr. Kirk McClure, was concerned that the SmartCode gives the fast track to a developer to get a building permit. He felt that the SmartCode does not address the timing of development and does not mandate mix of uses.

Betty Lichtwardt, League of Women Voters, stated that the Code assumes that the market is going to create a response to the demand. She felt that one of the basic problems within the community is piecemeal development. She felt that the concept of integrated planning was missing from this and that one of the principal things missing from planning system is structural planning.

Ms. Janna Dobbs, felt that the free market does work when allowed to. She did not feel the city was overbuilt with industrial and office space but are overbuilt with housing.

Mr. Michael Almon, thanked Gwen Klingenberg for her work and agreed with her. He was against not having public input for development. His main concern was peak oil. He said that the land use was going to change, and that they can no longer think of single occupancy cars.

Commissioner Harris asked Mr. Almon about other communities that have addressed peak oil.

Mr. Almon replied that he knew of Portland, San Francisco, and Wisconsin.

Commissioner Finkeldei asked Mr. Almon if he had seen sample ordinances for allowing more wind turbines in city cores.

Mr. Almon said that height regulations, location, and noise were concerns with wind turbines. Street access and lot orientation were concerns with solar access.

Ms. Beth Johnson, Chamber of Commerce, was in favor of a clear, fair process for developers.

Mr. Luke Bell, Lawrence Board of Realtors, supported the SmartCode.

COMMISSION DISCUSSION

Commissioner Finkeldei mentioned incorporating incentives from the MU Code into the SmartCode and Development Code.

Commissioner Eichhorn was concerned about creating a new board, CRC.

Mr. Warner said that the Code is very prescriptive of what is required. It must either meet it or not. He stated that in some respects it is not far from the current administrative process for Site Plans.

Commissioner Harris said there was real value in having consistency in processes for the public and developers. She felt that folks that live in the area should have the ability to comment on it.

Commissioner Eichhorn was concerned about planning decisions being political and having City Commission be the final review.

Commissioner Harris asked staff to comment on lack of design standards for developments.

Mr. Warner stated that the Code has very specific form of standards that mandates such things as the minimum setbacks for parking, alleys, frontage requirements, and building scale plans include architecture.

Commissioner Harris asked about building materials in Commercial Design Standards.

Mr. Warner said that the Design Guidelines do not have much regarding materials.

Commissioner Eichhorn suggested having bigger public notice signs being posted at the sites.

Commissioner Harris felt that a market analysis should be conducted.

Mr. McCullough stated that staff does not conduct market studies, but does review the market studies.

Commissioner Eichhorn felt that consistency of maps in different documents should be matched up as much as possible.

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Commissioner Finkeldei felt that the CRC board should consist of either all Staff or all Planning Commissioners.

Commissioner Eichhorn felt they should put the right people on the board.

NO ACTION TAKEN FOR ITEMS 17, 18, AND 19

PC Minutes 5/21/08

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PC Minutes 4/23/08

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Commissioner Eichhorn felt they should put the right people on the board.

NO ACTION TAKEN FOR ITEMS 17, 18, AND 19

ORDINANCE NO. 8289

RESOLUTION NO. _____

JOINT ORDINANCE OF THE CITY OF LAWRENCE, KANSAS, AND RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS APPROVING AMENDMENTS TO THE COMPREHENSIVE LAND USE PLAN "HORIZON 2020" BY AMENDING CHAPTER FOURTEEN SPECIFIC PLANS TO ADD A REFERENCE TO THE LAWRENCE SMARTCODE INFILL PLAN AND ADOPTING AND INCORPORATING BY REFERENCE "THE LAWRENCE SMARTCODE INFILL PLAN, MAY 21, 2008 EDITION" PREPARED BY THE LAWRENCE DOUGLAS COUNTY METROPOLITAN PLANNING OFFICE.

WHEREAS, pursuant to K.S.A. 12-747, a comprehensive plan or part thereof shall constitute the basis or guide for public action to insure a coordinated and harmonious development or redevelopment which will best promote the health, safety, morals, order, convenience, prosperity and general welfare as well as wise and efficient expenditure of public funds; and

WHEREAS, the City Commission of Lawrence, Kansas (the "City") and the Board of County Commissioners of Douglas County, Kansas (the "Board") have adopted a comprehensive land use plan labeled "*Horizon 2020*"; and

WHEREAS, the Lawrence-Douglas County Metropolitan Planning Commission on May 21, 2008, by Resolution No. 2008-02, recommended the adoption of the amendment to add a reference to and adopt the "Lawrence SmartCode Infill Plan; May 21, 2008 Edition" and

WHEREAS, a certified copy of the Chapter 14 – Specific Plans amendments and the "Lawrence SmartCode Infill Plan; May 21, 2008 Edition" contained in planning staff report CPA-2007-07 adopted by the Planning Commission in Resolution No. 2008-02 on May 21, 2008 together with the written summaries of the public hearings thereon held by the Lawrence-Douglas County Metropolitan Planning Commission on February 27, 2008, April 23, 2008, and May 21, 2008 have been submitted to the Governing Bodies; and.

WHEREAS, pursuant to the provisions of K.S.A. Chapter 12, Article 7, K.S.A. 12-3009 to and including 12-3012, K.S.A. 12-3301 *et seq.*, the Home Rule Authority of the County as granted by K.S.A. 19-101a, and the Home Rule Authority of the City as granted by Article 12, § 5 of the Constitution of Kansas, the Board and the City are authorized to adopt and amend, by resolution and ordinance, respectively, and by incorporation by reference, planning and zoning laws and regulations.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LAWRENCE, KANSAS; AND

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS:

Section 1. The above recitals are incorporated by reference as if fully set forth herein and shall be as effective as if repeated verbatim.

Section 2. The Governing Bodies of the City of Lawrence, Kansas and Douglas County, Kansas hereby find that the provisions of K.S.A. 12-743 and K.S.A. 12-747 concerning the amendment of comprehensive plans have been fully complied with in consideration, approval, adoption of and amendment to "*Horizon 2020*".

Section 3. Pursuant to K.S.A. 12-747, the Governing Bodies of Douglas County, Kansas and the City of Lawrence, Kansas do hereby amend "Horizon 2020" by approving the recommendation of the Planning Commission, amending Chapter 14 – Specific Plans to add a reference to the Lawrence SmartCode Infill Plan and adopting and incorporating by reference "The Lawrence Smartcode Infill Plan, May 21, 2008 Edition" contained in planning staff report CPA-2007-07 and adopted by the Planning Commission in Resolution No. 2008-02 on May 21, 2008.

Section 4. Chapter 14 – Specific Plans in "Horizon 2020", is hereby amended to read as follows:

Specific Plans

- **6th and SLT Nodal Plan**
Location: The intersection of 6th Street (US Highway 40) and the SLT (South Lawrence Trafficway)
Adoption Date: November 11, 2003 by Lawrence City Commission
Review Date: 2009
- **6th and Wakarusa Area Plan**
Location: The intersection of 6th Street and Wakarusa Drive
Adoption Date: December 2, 2003 by Lawrence City Commission
Review Date: 2009
- **HOP District Plan**
Location: Bordered by W. 5th St. on the north, California St. on the west, W. 7th St. on the south and Alabama St. on the east.
Adoption Date: May 10, 2005 by Lawrence City Commission
Review Date: 2010
- **Burroughs Creek Corridor Plan**
Location: Area around the former BNSF railroad corridor between E. 9th St. and E 31st St.
Adoption Date: February 14, 2006 by Lawrence City Commission
Review Date: 2011
- **East Lawrence Neighborhood Revitalization Plan**
Location: Bordered by the Kansas River on the North; Rhode Island Street from the Kansas River to E. 9th Street, New Hampshire Street from E. 9th Street to approximately E. 11th Street, Massachusetts Street from approximately E. 11th Street to E. 15th Street on the west; E. 15th Street on the south; BNSF railroad on the east.
Adoption Date: November 21, 2000 by Lawrence City Commission
Review Date: 2010
- **Revised Southern Development Plan**
Location: Bounded roughly to the north by W. 31st Street and the properties north of W. 31st Street between Ousdahl Road and Louisiana Street; to the west by E. 1150 Road extended (Kasold Drive); to the south by the north side of the Wakarusa River; and to the east by E. 1500 Road (Haskell Avenue).
Adoption Date: December 18, 2007 by Lawrence City Commission
January 7, 2008 by Douglas County Board of Commissioners

Review Date: 2017

- **Southeast Area Plan**

Location: Bounded roughly to the north by E. 23rd Street/K-10 Highway; to the west by O'Connell Road; to the south by the northern boundary of the FEMA designated floodplain for the Wakarusa River; and to the east by E. 1750 Road (Noria Road).

Adoption Date: January 8, 2008 by Lawrence City Commission
January 28, 2008 by Douglas County Board of Commissioners

Review Date: 2018

- **Farmland Industries Redevelopment Plan**

Location: The former Farmland Industries property is located east of Lawrence along K-10 Highway and just west of the East Hills Business Park. It is approximately one half mile south of the Kansas River.

Adoption Date: March 11, 2008 by Lawrence City Commission
March 31, 2008 by Douglas County Board of Commissioners

Review Date: 2013

Lawrence SmartCode Infill Plan

Location: General areas are: 19th St. and Haskell Ave., 23rd St. and Louisiana St., 25th St. and Iowa St.

Section 5. That "The Lawrence Smartcode Infill Plan, May 21, 2008 Edition" approved by Section 3 above, prepared, compiled, published and promulgated by the Lawrence-Douglas County Metropolitan Planning Office is hereby adopted and incorporated by reference as if fully set forth herein, and shall be known as the "The Lawrence Smartcode Infill Plan, May 21, 2008 Edition" One copy of said comprehensive plan amendment shall be marked or stamped as "Official copy as Passed by Ordinance No. 8288 and Resolution 08-____" and to which shall be attached a copy of this joint resolution and ordinance, and filed with each of the County Clerk and City Clerk, to be open to inspection and available to the public at all reasonable hours. The police department, municipal judge and, and all administrative offices of the City charged with enforcement of this ordinance shall be supplied, at the cost of the City, such number of official copies of such "The Lawrence Smartcode Infill Plan, May 21, 2008 Edition" marked as may be deemed expedient.

Section 6. The existing Chapter 14-Specific Plans section in "Horizon 2020" is hereby repealed, it being the intention of this ordinance and resolution that its provisions be substituted in place thereof.

Section 7. Severability. If any section, clause, sentence, or phrase of this Joint Ordinance and Resolution is found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, it shall not affect the validity of any remaining parts of this Joint Ordinance and Resolution.

Section 8. This Joint Ordinance and Resolution shall be in full force and effect upon its adoption by the Governing Bodies of the City of Lawrence and Douglas County, Kansas and publication as provided by law.

Passed by the Governing Body of the City of Lawrence this ____ day of _____, 2009.

APPROVED:

Michael Dever, Mayor

ATTEST:

Frank S. Reeb, City Clerk

APPROVED AS TO FORM AND LEGALITY:

Toni Ramirez Wheeler
Director of Legal Services

Adopted by the Board of County Commissioners of Douglas County, Kansas, this ____ day
of _____, 2009.

BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS

Bob Johnson, Chair

Jere McElhaney, Commissioner

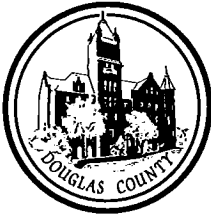
Charles Jones, Commissioner

ATTEST:

Jameson D. Shew, County Clerk

NOTICE TO PUBLISHER

Publish one time and return one Proof of Publication to the City Clerk and one to the City Director
of Legal Services, and one to the County Clerk.



DOUGLAS COUNTY ADMINISTRATIVE SERVICES

Division of Purchasing

1100 Massachusetts Street
Lawrence, KS 66044-3064
(785) 832-5286 Fax (785) 838-2480
www.douglas-county.com

MEMO TO: The Board of County Commissioners
Craig Weinaug, County Administrator

FROM: Jackie Waggoner, Purchasing Director *JW*
Division of Purchasing

SUBJECT: Consider Options for Vehicle Replacement

DATE: February 19, 2009

Youth Services has funds allocated to purchase one mid-size sedan to replace a 1994 Crown Victoria with approximately 140,000 miles. Public Works has indicated that this vehicle needs repairs that would cost \$600-\$1,000. This vehicle is used for surveillance and transportation.

Last year the County participated in a Kansas City Metropolitan Joint Vehicle Bid for the acquisition of 2009 vehicles. Twenty entities participated in the cooperative bidding process of 40 vehicle types. We can continue to purchase from the contracts until the manufacture's production cutoff date.

We are considering two standard (gasoline) models and a hybrid model. The cooperative contract includes the following awarded contractors and their cost for these models:

AWARDED CONTRACTOR	YEAR	MAKE/MODEL	MPG	COST
Roberts Auto Plaza, Inc.	2009	Chevrolet Malibu Hybrid	City 26 Hwy 34	\$23,521
Roberts Auto Plaza, Inc.	2009	Chevrolet Malibu	City 22 Hwy 30	\$17,345
Olathe Ford Sales (2009 not available)	2010	Ford Fusion	City 18 Hwy 26	\$17,865

As you can see, the cost of the hybrid is a maximum of \$6,176 higher than the standard model. To evaluate the potential fuel savings I estimated the miles per year at 15,000 using an average cost of \$2.50 per gallon:

Hybrid: 15,000 miles annually divided by 26 MPG = 577 gallons x 2.50 per gallon = \$1,442.50

Standard (Chev): 15,000 miles annually divided by 22 MPG = 682 gallons x 2.50 per gallon = \$1,705.00

Standard (Ford): 15,000 miles annually divided by 18 MPG = 833 gallons x 2.50 per gallon = \$2,082.50

Our fuel savings with the hybrid would be between \$262.50 - \$640.00. These savings would rise as fuel costs increase. Because we do not have any hybrids in our fleet, there are no maintenance reports to use for evaluation purposes.

I have become aware of an Air Quality Mitigation Alternative Fuel Vehicle Grant that is federally funded and administered by the State. In the past, this grant apparently has subsidized the cost difference between a standard and hybrid vehicle. I plan to explore our eligibility for these funds.

I will be available at the commission meeting to answer any questions you may have.

SUGGESTED MOTION: The Board of County Commissioners considers a standard or hybrid mid-size sedan for Youth Services.

City of Lawrence City Manager's Office

TO: Board of County Commissioners
CC: City Commission
Craig Weinaug, County Administrator
David L. Corliss, City Manager
Cynthia Boecker, Assistant City Manager
Diane Stoddard, Assistant City Manager
FROM: Roger Zalneraitis, Economic Development Coordinator/Planner
DATE: February 6, 2009
RE: Economic Development Policies for Board of County Commisisoners'
Review

In the January 27th study session on economic development, the County Commissioners requested the following material for their review and study:

- City of Lawrence Economic Goals, Processes, and Procedures (the "Overarching Policy");
- Property Tax Abatements: Considerations of Changes to Current Policy;
- Memo on the Benefit-Cost Model;
- Sample Output from the Benefit-Cost Model; and
- A letter from the Sustainability Advisory Board containing additional suggestions for encouraging environmentally-sensitive development

In response, attach please find these items as requested. We would like to reiterate that the County will be notified and asked for comment on any tax abatement sought by a firm. In addition, please note that the benefit-cost model has been revised since first presented last summer. Staff would like to call attention to these changes, found on page 3 of the Benefit-Cost Memo, and solicit feedback from the County in particular on population-driven budget items in the County budget.

The City Commission plans to have these policies on its March 24th City Commission meeting. We welcome feedback from the County Commission prior to this date for consideration in finalizing the policies. City staff can assist with any questions or additional information the County Commission requests.



City of Lawrence

DRAFT- 10/31/08

**City of Lawrence
Economic Development
Goals, Process and
Procedures**

Table of Contents

Section	Page
Introduction	3
General Objective	3
Economic Development Objectives	3
Economic Development Incentives	4
Application Procedures	5
Benefit/Cost Model	8
Performance Provisions	9
Accountability	9

INTRODUCTION

The purpose of this document is to establish the official policy and procedures of the City for the granting of economic development incentives, including cash incentives and exclusive infrastructure assistance associated with projects within the City of Lawrence.

GENERAL OBJECTIVE.

In Horizons 2020, the City identifies three goals for economic development: job growth in excess of population growth; increasing the share of the tax base coming from non-residential growth; and increasing career opportunities by attracting high-skilled jobs in expanding industries.

Various economic incentives are available under Kansas law to help municipalities achieve their public objectives. This ordinance establishes the policy, procedures and requirements to govern the fair, effective and judicious use of these incentives by the City in order to help meet its economic development goals.

Because of Lawrence's assets and the desire of area residents to plan for the future and retain a community that is different from other growing suburban areas, economic incentives may not be offered to every firm that is eligible under state statutes. Instead, incentives will be targeted toward businesses meeting the objectives defined below. (Ord. 7706)

ECONOMIC DEVELOPMENT OBJECTIVES.

The City works in cooperation with Douglas County and the Lawrence Chamber of Commerce to achieve the general objectives outlined in the section above. This partnership enables the community to maximize its resources and to develop a consensus regarding the kind of economic development that best advances the interests of the entire community. (Ord. 7706)

All of the partners in this effort share a commitment to:

- encourage existing industry to expand
- assist new business start-ups
- recruit new companies from out-of-state and internationally
- encourage high technology and research based-businesses
- encourage training and development of Lawrence area employees
- encourage the location and retention of businesses which are good "corporate citizens" that will add to the quality of life in Lawrence through their leadership and support of local civic and philanthropic organizations.

While it is the new companies from out-of-state that typically generate the most publicity, it is the policy of the City, County, and the Chamber to place a high priority on the retention and expansion of existing businesses.

The City's role in this economic development partnership involves:

- providing the land, zoning and infrastructure that are required to create new jobs and new investment;
- providing policies, processes and procedures for clear standards and timely reviews of applications; and
- providing the personal assistance and in some cases the incentives necessary to achieve the objectives set forth in this document.

All partners believe that Lawrence and Douglas County should be selective as to the kinds of businesses that are recruited and assisted. Horizons 2020 specifies that businesses within the following industries should particularly be a focus of economic development efforts:

- Life Sciences/Research;
- Information Technology;
- Aviation and Aerospace;
- Value-added Agriculture; and
- Light Manufacturing and Distribution.

ECONOMIC DEVELOPMENT INCENTIVES:

When appropriate, the City may utilize incentives in order to achieve its economic development goals. One or more incentives may be utilized, depending on the application. These include, but are not necessarily limited to, the following:

- **Loans/Grants:** Provide capital to existing and new businesses for projects related to new growth and expansion, providing job training, assisting with business relocation expenses, and other types of assistance which further the community's economic development goals.
- **Infrastructure:** Provide infrastructure improvements related to needs of businesses or to assist in making property useable and available for businesses or other designated economic development activities (i.e. infrastructure for industrial property, etc.)
- **Property Tax Abatement:** The City may utilize property tax abatements to spur investments. The City has a separate policy regarding providing tax abatements.
- **Tax Increment Financing:** The City may judiciously utilize Tax Increment Financing (TIF) for the purpose of encouraging projects with an emphasis on redevelopment activities. The City has a separate policy regarding tax increment financing.
- **Transportation Development Districts:** The City may utilize transportation development districts to encourage quality transportation-related infrastructure. The City has a separate policy regarding transportation development districts.

APPLICATION PROCEDURES:

1. Applicant picks up a blank Application form at City Hall (City Manager's Office) or the Application is downloaded from the Internet. Applicant's business/project must be located in the City of Lawrence or near the City of Lawrence such that there will be direct economic benefit to the City.
2. An Application must include a project plan that:
 - summarizes the project;
 - demonstrates the financial and professional capability to complete the project;
 - proposes a timeline for project completion;
 - provides a proforma financial statement showing costs and revenues associated with the project, as well as equity, debt, and public financing of the project; and
 - provides a summary of project benefits to and assistance requested from the City.
4. When the Application (with an attached Project Plan) is completed, it will be submitted to City Hall (City Manager's Office).
5. City Staff will facilitate the review of all applications before they are considered by the City Commission. In preparing such review, City Staff will utilize the City's resources or other professional assistance as deemed appropriate by the City Manager.

In most cases in which sensitive financial information needs to be shared to evaluate an application, the City will utilize a third party to review such information and write a report that summarizes any major concerns with the ability of the applicant to complete the project. The third party will also make recommendations regarding appropriate provisions the City may consider to secure its investment.

The application review will be summarized in writing and presented no later than the time the application is presented to the City Commission. This review will include but not be limited to:

- A. Phone calls to listed references for banking, other financing, major suppliers, and major customers
- B. Oral verification of major indebtedness with lender/mortgage holders
- C. Review of financial documents for reasonableness
- D. cursory reconciliation of future year cash flow projections with current cash status, requested monies, etc.
- E. Correlation with other requests from the City (subsidized land costs, property tax abatements, City industrial revenue bonds, utility improvements)
- F. Adequacy of performance provisions
- G. Any significant positive or negative aspects of the application
- H. Benefit/cost analysis (as prepared by City staff)

Results of this review will be shared with the applicant as soon as possible to ensure accuracy of the application before its official presentation to the City Commission. This review will not be construed as a "screening" procedure. Each applicant has the privilege to present its application intact and unchanged to the City Commission.

6. The City Manager will provide the information concerning the Application to the members of the City Commission for study. Copies will also be provided to professional staff.

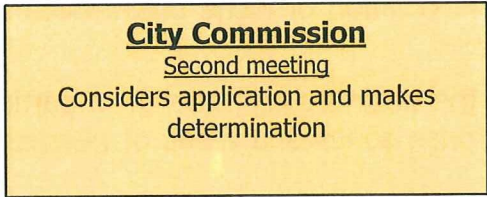
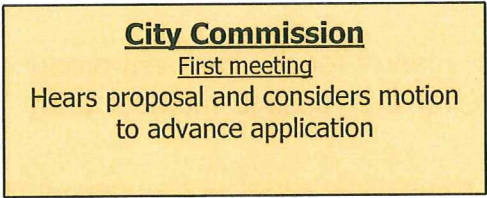
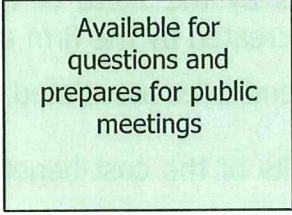
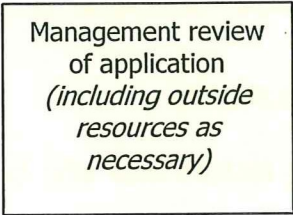
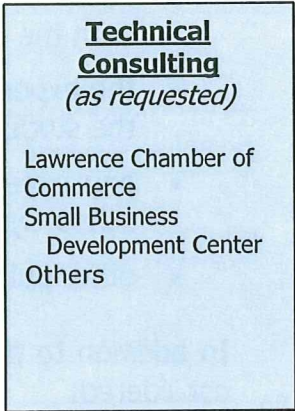
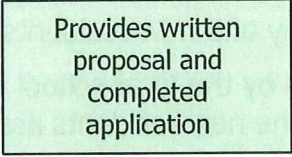
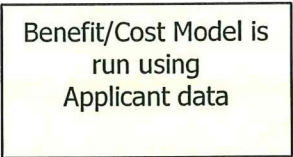
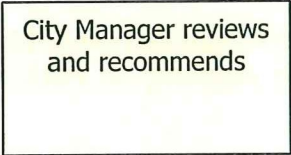
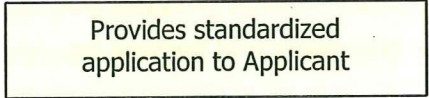
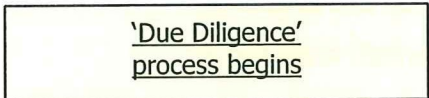
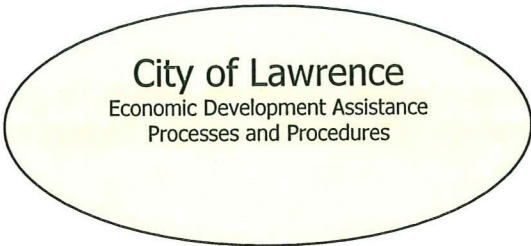
7. The City Manager will determine when the Application will be considered at a City Commission Meeting.

8. Upon review by City Staff and the City Manager, and with the consent of the Applicant, a review committee (City Manager or his/her designee, Economic Development staff of the Lawrence Chamber of Commerce and/or the Lawrence-Douglas County Bioscience Authority) will analyze the proposal and have an opportunity to recommend support if it so desires. If appropriate, a meeting may be held with the applicant to seek additional information or clarification concerning the Application.

9. The City Commission will consider the application during a minimum of two public meetings. At the first City Commission meeting, the Commission will hear the proposal and will consider a motion to determine whether or not to advance the application for formal consideration at a second City Commission Meeting. At the second City Commission meeting, the Commission may consider the application and make a determination. Additional City Commission meetings may be necessary. The City Commission retains the prerogative of rejecting any Application.

10. If the City Commission has approved an Application, it is then turned over to the City Manager for implementation and administration.

Application Process Flow Chart



*Two public meetings at minimum**

* Additional City Commission meetings may be necessary

BENEFIT/COST MODEL:

The City, in determining whether incentives should be granted; shall conduct a benefit/cost analysis which will consider various factors including, but not limited to, the following: (Ord. 7706)

- the increase in appraised valuation of the property;
- the sales and income tax revenue which may result;
- the number of new jobs, the earnings and the benefits that will be provided;
- additional jobs created through secondary or "multiplier" effects, as well as the associated tax revenues from these jobs and residents;
- the capital expenditures that local government will need to make to expand public services, for example parks and police stations, to both the company and new residents;
- the operating expenditures that local government will need to make on a regular basis for public services, for example fire protection and street maintenance, to both the company and new residents;
- the expenditures by the local school district to provide the facilities and to educate the students of the new residents associated with the company;
- any expenditures by the State of Kansas, such as per-student funding in local school systems, created by the firm and new residents;
- other public expenditures associated with attracting the new company.

In addition to the results of the cost-benefit analysis, the following factors may also be considered:

- the degree to which the business improves the diversification of the economy;
- the kinds of jobs created in relation to the types of skills available from the local labor market;
- the degree to which the ultimate market for the business products and services is outside the community, recognizing that outside markets bring "new money" to the local economy;
- the potential of the business for future expansion and additional job creation;
- the beneficial impacts the business may have by creating other new jobs and businesses, including the utilization of local products or other materials and substances in manufacturing and creation of niche businesses, such as those in the bioscience area;
- the beneficial economic impact the business will have on a particular area of the City, including designated enterprise zones and areas of needed revitalization or redevelopment; and
- the compatibility of the location of the business with land use and development plans of the City and the availability of existing infrastructure facilities and essential public services.

PERFORMANCE PROVISIONS:

Each company funded through the City will be held accountable to certain performance provisions, based upon substantial compliance with anticipated capital investment, job creation and wage structure. These provisions will be included in agreements between the company and the City. Annual targets for capital investment, job creation and wage structure will be developed, utilizing information from the company's funding application, which will, when averaged together, create an overall annual percentage of compliance for that year. These annual targets will then determine the amount of annual incentives that the company will receive for that year. Substantial compliance and incentives received will be determined by the following chart:

% compliance with annual target	Amount of incentive to be received
90-100%	100%
80-89%	85%
70-79%	75%
Below 70%	No incentive

Depending upon the funding mechanism utilized and the application, additional performance criteria may be utilized.

Regardless of the funding mechanism used, the City should be mindful to secure its assets and ensure satisfactory performance by the Applicant. A number of tools can be utilized by the City, and be included in the performance agreement, in order to accomplish this.

ACCOUNTABILITY:

Annually, City Staff will be responsible to review the performance of each recipient of funds. The purpose of such review is to check for compliance with the performance agreement and to gather information regarding cumulative job creation, wage structure, and other such information necessary to gauge the performance of the company. The accountability review may include a site visit.

The fund recipient will be required to certify, to the City, compliance with the performance agreement. Such certification will be signed and returned to the City. The accountability period will last only as long as required to meet the performance obligations outlined in the performance agreement.

Utilizing the information gathered from the accountability reviews, City Administration will compile an annual report, showing statistics and other information relative to each recipient of funds, as well as the overall performance of the fund. The report will be provided to the Public Incentive Review Committee and the City Commission.

Property tax abatements: considerations of changes to current policy

Comment [CoL1]: Should this section cover IRBs as well?

Note: removed cost-benefit section, which will be included in the overarching policy.

REQUIREMENTS FOR CONSIDERATION OF A TAX ABATEMENT.

The City shall only grant a tax abatement to a business which meets the legal requirements for a tax abatement and which indicates in their application that they will fully comply with the following qualifying requirements: (Ord. 7706)

- (A) The business is environmentally sound.
- (B) The business is small and medium size...to avoid a situation where the City becomes dependent on one industry, and to maintain the character of the community.
- (C) The business pays all employees in the abated project an average wage per employment category that meets or exceeds the average in the community as determined annually by the Kansas Department of Human Resources Wage Survey.
- (D) The business pays all covered employees a wage, at or above, an amount which is equal to one hundred thirty percent (130%) of the federal poverty threshold for a family of three (3), as established by the United States Department of Health and Human Services, as further set forth in Section 1-2105 of this ordinance.
- (E) The business provides one of the following:
 - (1) the availability of covered employees to obtain an employer-sponsored health insurance policy, pursuant to employer guidelines, in which case the employer provides a minimum of seventy percent (70%) of the cost of such policy; or
 - (2) as an alternative to offering an employer-sponsored health insurance policy, the employer shall pay the covered employee a wage which is at least \$1.50 per hour above the amount required in Section

Comment [CoL2]: May wish to consider having a general "base" abatement and then offer additional incentive for LEED certified projects or other projects which demonstrate sound environmental practices.

Comment [CoL3]: Does the City wish to limit large prospects? May wish to discuss this.

Comment [CoL4]: We may want to think about combining C) and (D). I think the breakout of wages by category is intrusive. (roger)

Comment [CoL5]: Need to discuss impact of changes of Wage Survey on this section, if any.

Comment [CoL6]: This would be \$10.99 for 2008.

Comment [CoL7]: Perhaps discuss 70% amount; perhaps discuss requiring health insurance contribution for all companies, thus eliminating E2.

1-2104 (D) above, as further set forth in Section 1-2105 of this ordinance.

- (F) The proposed project and tax abatement results in a combined positive cost:benefit ratio of 1:1.25 or greater over a 15 year period as determined by the City adopted econometric model to keep the overall property tax rate as low as possible.

1-2105 WAGE FLOOR AND HEALTH INSURANCE REQUIREMENTS.

The requirements of Section 1-2104, subsections d and e, may be referred to as the wage floor and health insurance requirements of this Ordinance. The wage floor requirements shall be annually adjusted pursuant to the release of statistical information from the federal government, and the City shall notify in writing the businesses receiving a tax abatement, which are affected by the wage floor requirements. For 2003, the wage floor shall be \$9.53 per hour. These requirements shall apply to all employees of a business receiving a tax abatement at the specific real estate receiving the tax abatement, with the exception of a business that has Lawrence operations prior to the granting of a tax abatement in which case the wage floor and health insurance requirements shall apply to all employees in the abated project. (Ord. 7706)

The wage floor and health insurance requirements of this Ordinance shall not apply to the following employees:

- (A) employees employed in a bona fide or certified job training program for no more than 60 calendar days (once per employee);
- (B) temporary employees working fewer than 100 hours per calendar year;
- (C) employees with the status of student seasonal workers hired for not to exceed ninety calendar days.
- (D) employees of not-for-profit organizations.

Covered employees would not include subcontractors whose work is only incidental to plant operations. Suppliers, raw goods/material

suppliers, landscape companies, construction contractors, delivery employees shall not be covered employees.

The wage floor and health insurance requirements shall not apply to employees covered by a collective bargaining agreement that provides a wage higher than the requirements of this ordinance.

1-2106

LEGAL AUTHORITY.

The governing bodies of Kansas counties and cities may exempt certain property used by Kansas basic industry for economic development purposes from taxes for a maximum of ten (10) years, in accordance with the provisions of Section 13 of Article 11 of the Kansas Constitution and the provisions of K.S.A 12-1740 et seq. and K.S.A 79-201a, subject to such limitations or prohibitions as may be enacted by the legislature. This authority is discretionary with the City, and the City may provide for tax abatements in an amount and for purposes more restrictive than that authorized by the Constitution or any such legislation. Pursuant to its home rule and statutory powers, the City may: (Ord.7706)

- (A) require the owners of any property for which an abatement is requested to provide certain information;
- (B) condition the granting of an abatement to an agreement providing for the payment of in lieu charges or taxes; and
- (C) require the payment of initial application and annual renewal fees reasonably necessary to cover the costs of administration.

1-2107

GENERAL PROCEDURE.

The following basic procedure shall govern the issuance of tax abatements within this City: (Ord. 7706)

- (A) The applicant business shall apply for a tax exemption by filing a written application as provided in Section 1-2117. Only new real and property that is not already on the Douglas County tax rolls shall be eligible;
- (B) The City Commission shall then determine whether the requested tax abatement

Comment [Co18]: Will we need only parts of this, or perhaps none of this, once the overarching policy is in place?

(1) may be lawfully granted, and
(2) should be granted, with the amount thereof to be determined later.

(C) The amount of the tax abatement will be determined in accordance with Section 1-2116 of this chapter.

(D) Notice of the City's intent to issue a tax abatement will be submitted to the State Board of Tax Appeals for final approval. If such approval is denied the abatement cannot legally be awarded.

(E) If the business fails to pay the in lieu tax payments, as may be required as a condition of the granting of an abatement, or fails to provide the reports or other information requested by the City, the City may revoke, or modify the abatement.

1-2108 JURISDICTION.

The City shall grant tax abatements only as to property located within the City. The City will advise Douglas County and appropriate school districts on all applications. The City encourages the Board of County Commissioners to advise the City as to applications outside the City and within the three-mile area. (Ord. 7706)

1-2109 NOMINAL TAX DETERMINATION.

All tangible property of a business receiving a tax abatement under this ordinance shall be annually assessed by the County Appraiser in the same manner as if it were not exempt, but the amount exempted shall not be placed on the assessment rolls. The amount of the property taxes which would be payable shall also be determined annually by the County Clerk and Treasurer, in the same manner as if the property were not exempt. Separate assessment and tax calculations shall be made for the land and the improvements thereon.

The County Clerk and Treasurer are requested to provide the City with this information as early as possible, but not later than November 15 of each year. (Ord. 7706)

1-2110 MINIMUM PAYMENT IN LIEU OF TAXES.

Any applicant receiving a tax abatement pursuant to this ordinance shall be required to make a minimum payment in lieu of taxes. The minimum payment shall equal the amount of property tax paid or was payable for the most recent year prior to the acquisition of the property by the new business or the construction of new buildings or added improvements to buildings. The purpose of requiring a minimum payment in lieu of taxes is to provide the City, the County, the School District and any other taxing jurisdictions affected by the abatement with as much tax revenue from the exempted property as was received prior to the abatement. (Ord. 7706)

Comment [CoL9]: This section appears to conflict with earlier statement that only new property is eligible for tax abatement. This section might make sense if property already on the tax rolls were eligible for exemption consideration.

1-2111 **SPECIAL ASSESSMENTS.**

Any tax abatement granted for real property under this ordinance shall not affect the liability of such property for any special assessments levied or to be levied against such property. (Ord. 7706)

1-2112 **PIRATING.**

It is the intent of the City, the County and the Chamber to avoid participation in "bidding wars" between Kansas cities or areas competing for the relocation of an existing Kansas business through attempts to offer the largest tax incentive or other public inducement, which is detrimental to the state's economy and the public interest. It is the policy of the City to discourage applications for tax abatements, or to grant tax abatements which deliberately encourage and cause the pirating of business from another Kansas community to this community. This policy does not preclude the providing of information to companies that inquire about Lawrence or are seeking an expansion rather than a relocation. It also does not preclude the granting of a tax abatement in those situations- where: (Ord. 7706)

- (A) The company has already made a decision to relocate or expand; or

- (B) The company is seriously considering moving out of state.

1-2113 **PUBLIC GOOD REQUIREMENT.**

The basic principle from which the City operates is that private business should not be subsidized with public funds, the indirect consequences of tax abatements, unless the public good expressed in Section 1-2102 of this ordinance is served. (Ord. 7706)

1-2115

NO UNFAIR ADVANTAGE.

A tax abatement will not be granted if the abatement would create, in the judgment of the City Commission, an unfair advantage for one business over another Lawrence business that competes for the same consumer market within the city. (Ord. 7706)

1-2116

AMOUNT OF TAX EXEMPTION.

In determining the actual amount of tax abatement to be granted to Kansas basic industries that meet the Economic Development Objectives of Section 1-2103 of this ordinance and the other requirements of this ordinance, the City shall use as a guideline the following basic schedule: (Ord. 7706)

- (A) fifty percent (50%) property tax abatement for ten years on investments less than \$20 million in adjusted 2001 dollars;
- (B) when the investment under consideration meets one of the following criteria, the City Commission may consider a property tax abatement that exceeds fifty percent (50%);
 - The investment exceeds \$20 million dollars in adjusted 2008 dollars
 - The project is constructed in compliance with Leadership in Energy and Environmental Design (LEED) criteria.
 - (a company that has been on the Douglas County property tax rolls for at least three (3) years shall be eligible for an additional five percent (5%) tax abatement for a new project; and
 - Unique site constraints or construction requirements that make development more difficult and costly
 - A project that is seen as a catalyst for future projects in an area of focus for the community, such as the biosciences.
- (C) the governing body may vary the amount and duration of the abatement provided the net abatement to a business shall not reduce the net tax revenues as would be received pursuant to the above schedules to the local taxing units over ten (10) years. It shall be the policy of the City to approve a tax abatement for the real property portion of a

project if the project meets the requirements of this ordinance.

The abatement term for projects considered under authority of Section 13 of Article 11 of the Kansas Constitution shall begin in the calendar year after the calendar year in which the business commences its operations. The abatement term for projects considered under authority of K.S.A. 12-1740 et seq. and K.S.A. 79-201a shall begin in the calendar year after the calendar year in which the bonds are issued.

1-2117

APPLICATION PROCEDURES.

Comment [CoL10]: Might we also remove this section once the overarching policy is in place?

All parties interested in obtaining a tax abatement shall be governed by the applications and procedures as found in the "City of Lawrence Economic Development Goals, Processes and Procedures." In addition to these procedures, the following steps shall apply for tax abatements and must be completed prior to City Commission hearings on the application:

1) Upon receipt of the completed application form and the required fee, the City Manager shall determine: (Ord. 7706)

(A) whether the application is complete and sufficient for review; and

(B) whether the applicant's business is eligible for an abatement under the Kansas Constitution, this ordinance or any other applicable laws. If the application is incomplete, the City Manager shall immediately notify the applicant, noting the need for such changes or additions as are necessary. If questions arise as to whether the business is legally eligible for an abatement, the matter shall be referred to the City Attorney, who shall consult with the applicant business. If the application is found complete and is for a purpose which appears to be authorized by law, the City Manager shall so notify the Public Incentives Review Committee.

1-2120

PUBLIC INCENTIVES REVIEW COMMITTEE.

Comment [CoL11]: Will PIRC be responsible for reviewing any other incentives? If so, should this be moved to another document?

There is hereby created a Public Incentives Review Committee, which shall be composed of: (Ord. 7706)

- (A) the Mayor, or the Mayor's designee who shall serve as chair,
- (B) another member of the City Commission appointed by the Mayor with the consent of the City Commission,
- (C) a member of the Douglas County Commission appointed by the County Commission,
- (D) a member of the Lawrence Public Schools U.S.D. 497 School Board or a School Board representative appointed by the School Board,
- (E) a professional financial analyst appointed by the Mayor and City Commission for a three year term;
- (F) the Chair of the Lawrence/Douglas County Economic Development Board, and
- (G) a resident of Lawrence appointed for a three year term by the Mayor and the City Commission. City, County, and School District staff shall provide technical and policy advice to the Committee. The Committee shall meet on call of the Mayor.

The purpose of the Public Incentives Review Committee shall be to:

- (1) receive and review requests and applications for tax exemptions,
- (2) to gather and review such additional information as may be deemed necessary to determine if the company meets the target objectives of Section 1-2103,
- (3) to conduct preliminary negotiations with the applicant business, as appropriate,
- (4) to review the City's yearly tax abatement report and compliance with performance agreements, and
- (5) to make such recommendations to the City Commission.

Public Incentives Review Committee records, including applications for tax exemptions, may be withheld from public disclosure under the Kansas Open Records Act as provided for under subsections (20) and (31) and other subsections of K.S.A. 45-221, but shall be available for public inspection when otherwise required by law. The Committee is authorized to issue administrative letters of finding which shall not be binding on the City Commission, and may be superseded by any action by the City Commission.

1-2122

LETTERS OF INTENT.

Upon receiving the recommendations of the Public Incentives Review Committee, the City Commission may issue a letter of intent, setting forth in general terms its proposed plans for granting a tax abatement and any conditions thereto. Such letters of intent shall be issued only as an expression of good faith intent and shall not in any way bind the City Commission to the granting of an abatement. Such letters of intent shall expire six months after issuance, but may be renewed. A public hearing shall not be required prior to the issuance of letters of intent. No elected or appointed officer, employee or committee of the City, Chamber employee, or other public or private body or individual, shall be authorized to speak for and commit the City Commission to the granting of a tax abatement. Letters of intent issued by the City Commission shall supersede any letters issued by the Public Incentives Review Committee. (Ord. 7706)

1-2124

PERFORMANCE AGREEMENT AND ENFORCEMENT.

- (A) Any tax abatement granted pursuant to this ordinance shall be accompanied by a Performance Agreement between the applicant and the City. The Performance Agreement shall include provisions to ensure compliance with the requirements of this ordinance, and appropriate consequences in the event of non-compliance. (Ord. 7706)

- (B) The Performance Agreement shall indicate that if the business receiving tax abatement does not comply with the wage floor and health insurance requirements of this Ordinance, then the business shall be required to pay, on an annual basis, to the City a certain amount as established below:

The business shall pay to the City, by May 20, an amount of money equal to two hundred percent (200%) of the difference between the actual wages paid to employees covered by the wage floor and health insurance requirements and the amount of wages that should have been paid to the same employees to comply with the wage floor and health insurance requirements of this ordinance. This payment to the City may not exceed the annual value of the abated property taxes to the business. Upon City receipt of the payment from the business, the payment shall be disbursed as follows: half of the payment amount shall be sent to eligible employees or former employees of the business in amounts equal to the difference between their actual wages/health insurance benefits and the wages/health insurance benefits required by this ordinance; the other half of the payment shall be retained by the City and used, pursuant to City Commission direction, for economic development purposes, including employee training programs. (Ord. 7706)

Comment [CoL12]: Comment: based upon review of other policies, this seems very onerous. Most communities would adjust or eliminate the abatement at this point, but not further penalize the business.

(C) The Performance Agreement shall also require the monitoring of the average wage criteria of the Kansas Department of Human Resources, the number of jobs provided by the employer, and the capital investment projections set forth in the original application. The provisions concerning the consequences for non-compliance with the wage floor and health insurance requirements shall not apply to other areas of non-compliance of a tax abated business, rather any non-compliance shall be reviewed by the Public Incentive Review Committee, and as appropriate, the City Commission. Each tax abatement shall be annually reviewed by the Public Incentives Review Committee, as set forth in Section 1-2125, which shall forward a copy of the annual review and appropriate recommendations to the City Commission. The City Commission shall receive the annual review report, and if the City Commission determines that a business or project is not in compliance with the provisions of the Performance Agreement, then the tax abatement may be modified pursuant to the Performance Agreement as the City Commission deems appropriate. The County Appraiser and the State Board of Tax Appeals shall be notified of appropriate actions. (Ord. 7706)

Comment [CoL13]: Again, this wage information needs to be discussed as it is possibly changing

1-2125

ANNUAL REVIEW FOR COMPLIANCE.

Comment [CoL14]: Should we have annual review here, or in overarching policy?

All tax abatements granted shall be subject to an annual review by the Public Incentives Review Committee to ensure that the ownership, use of property, and the economic performance of the business, including the capital investment, employment, and wages, are pursuant to requirements and criteria of this ordinance, the application for tax abatement, and the conditions of the granting of the tax abatement. The review shall also include a comprehensive review of the entire abatement period for the business, including milestones and project phases for the business. The annual review shall provide an opportunity for the company receiving the abatement to describe their achievements, especially in the areas of environmentally sound practice, community engagement and services, and job training. If the business: (Ord. 7706)

- (A) no longer qualifies for a tax abatement pursuant to law or this policy;
- (B) substantially fails to meet the expectations set forth in the application for a tax abatement, including failure to meet employment, wage, or capital investment plans in the application; or
- (C) substantially fails to meet the criteria or objectives of this ordinance;

the City Commission, after notice and a public hearing may modify the exemption by ordinance.

Each business receiving a tax exemption shall be required to complete an annual report by March 1. The information in the report will cover the time period of January 1 through December 31 of the previous year. The annual report will be reviewed by the Public Incentives Review Committee and presented to the City Commission by May 1.

Comment [Col15]: Due to the changes in the annual report lately, we may want to specify which annual report- the one when their abatement went into effect or whichever report is the most current one.

By May 1 of each year, the Public Incentives Review Committee shall also present an annual report to the City Commission that lists all of the property tax exemptions that remain in effect at that time. The annual report shall include information regarding when the exemption was granted, when the exemption expires, current property taxes paid for the property, in lieu of tax payments, amount of any industrial revenue bonds issued, the assessed value of the property, number of employees, salary and payroll of

employees, and any additional information concerning the operation of the business receiving the exemption, and other information as requested by the City Commission.

The Public Incentives Review Committee shall monitor compliance for the wage floor and health insurance requirements. If a business fails to comply with the wage floor and/or health insurance requirements, the business shall provide a written explanation and a plan for correcting the non-compliance. This information shall be contained in the report submitted by the Public Incentives Review Committee to the City Commission. If the business is in non-compliance with the wage floor and/or health insurance requirements for two (2) consecutive years, the City Commission shall take appropriate actions to completely remove the tax abatement for the business, unless the City Commission, by a super-majority vote (currently four (4) votes), determines that extraordinary circumstances exist and the tax abatement should be allowed to continue.

The failure of a business to provide accurate and timely information to the City in the preparation of the annual report shall be grounds for the modification or repeal of the tax abatement. The City shall retain a qualified third party consultant to assist the preparation of any report and to maintain the confidentiality of the personnel and wage records of a business.

A business that is required to comply with the wage floor and health insurance requirements of this ordinance shall maintain payroll records for covered employees and shall preserve them for a period of two (2) years. The records shall contain:

- (1) the name and address of each covered employee;
- (2) the job title and classification;
- (3) the number of hours worked each day;
- (4) the gross wages earned and deductions made;
- (5) a record of health insurance payments made by the employee and the employer; and

- (6) additional information necessary to establish that an employee is exempt from the wage floor and health insurance requirements established in Section 1-2105.

A copy of these records shall be provided to the third-party auditor to review and determine compliance with the requirements of this ordinance. Members of the Public Incentive Review Committee, City staff selected by the City Manager, or the City Commission may review these records in the custody of the third-party auditor but may not do anything to remove or destroy their confidential nature.

1-2126 TRANSFER OF OWNERSHIP OR USE.

No abatement or tax incentive granted by the City shall be transferred as a result of a change in the majority ownership of the business. Any new majority owner shall file a new application for a tax abatement. Further, the City shall be notified by the business of any substantive change in the use of a tax exempt property. (Ord. 7706)

1-2127 DISTRIBUTION OF REVENUE.

The granting of tax abatement by the City Commission is hereby declared to be a contract under the provisions of K.S.A. 12-147. The in lieu of taxes payment which may be required of a business granted a tax abatement under this ordinance shall be paid to the County Treasurer, with notice of the amount and date paid provided to the City. The County Treasurer is directed to apportion the payment to the general fund of all taxing subdivisions, excluding the state, which levies taxes on property where the business is situated. The apportionment shall be based on the relative amount of taxes levied, for any and all purposes, by each of the applicable taxing subdivisions. (Ord. 7706)

1-2128 EXEMPTION ORDINANCE.

The City Clerk shall provide a copy of the ordinance, as published in the official city newspaper, granting an abatement from taxation to the applicant for use in filing an initial request for tax exemption as required by K.S.A. 79-213, and by K.S.A. 79-210 for subsequent years. (Ord. 7706)

1-2129 EXEMPTION FORMS.

A copy of the exemption application required by K.S.A. 79-213 and 79-210, and the statement required by K.S.A. 79-214 for the cessation of an exempt

use of property, shall be filed with the City Clerk by the property owner. (Ord. 7706)

1-2131 **NO RETROACTIVE APPLICATION.**

This ordinance shall only apply to tax abatements approved after the adoption of the ordinance, and shall not apply retroactively to previously approved abatements and projects. Tax abatements granted pursuant to earlier City policies and procedures shall be governed by the City policy and procedures in effect upon the initial granting of the abatement. (Ord. 7706)

1-2132 **DEFINITIONS.**

For the purpose of this Ordinance, in application to the City of Lawrence, the words or phrases as used in this Ordinance shall have the following meaning: (Ord. 7706)

(A) "Applicant" shall mean and include the business, property owner or owners, and their officers, employees and agents.

(B) "Associated therewith" as used with respect to tangible personal property shall mean being located within, upon, or adjacent to buildings or added improvements to buildings.

(C) "Commenced operations" shall mean the start of the business activity housed in the building for which a tax exemption is requested.

(D) "Economic development purposes" shall mean the expansion or the establishment of a new business enterprise which:

(1) is or proposes to be located or principally based in Kansas; and

(2) can provide demonstrable evidence that:

i) it is or will be primarily engaged in any one or more of the Kansas basic industries; or

ii) it is or will be primarily engaged in the development or production of goods or the provision of services for out-of-state sale; or

iii) it is or will be primarily engaged in the production of raw materials, ingredients or components for other enterprises which export the majority of their products; or

iv) it is a national or regional enterprise which is primarily engaged in interstate commerce; or

v) it is or will be primarily engaged in the production of goods or the provision of services which will supplant goods or services which would be imported into the city; or

vi) it is the corporate or regional headquarters of a multistate enterprise which is primarily engaged in out-of-state industrial activities that take place outside of Lawrence.

(E) "Kansas basic industry" shall mean:

- (1) Agriculture;
- (2) mining;
- (3) manufacturing;
- (4) interstate transportation;
- (5) wholesale trade which is primarily engaged in multistate activity or which has a major import supplanting effect within the state;
- (6) financial services which are primarily engaged in providing such services for interstate or international transactions;
- (7) business services which are primarily engaged in providing such services to out-of-town markets;
- (8) research and development of new products, processes or technologies; or

- (9) tourism activities which are primarily engaged in for the purpose of attracting out-of-state tourists.

As used in these subsections, "primarily engaged" means engagement in an activity by an enterprise to the extent that not less than fifty-one percent (51%) of the gross income of the enterprise is derived from such engagement.

- (F) "Expansion" shall mean the enlargement of a building or buildings, construction of a new building, the addition of tangible personal property, or any combination thereof, which is new to the tax rolls and increases the employment capacity of a business eligible for a tax exemption.
- (G) "Tangible personal property" shall mean machinery and equipment which is new to the tax rolls and used during the term of the tax exemption which may be granted.

Property being added to the tax rolls by "Kansas basic industry" in accordance with the provisions of Section 13 of Article 11 of the Constitution of the State of Kansas and the provisions of K.S.A 12-1740 et seq. and K.S.A 79-201a. In addition, certain requirements of this ordinance shall apply to the granting of certain public subsidies by the City as further set forth in Section 1-2130. (Ord. 7706)

Memorandum

City of Lawrence

City Manager's Office

TO: David L. Corliss, City Manager
CC: Cynthia Boecker, Assistant City Manager
Diane Stoddard, Assistant City Manager
FROM: Roger Zalneraitis, Economic Development Coordinator/Planner
DATE: January 29, 2008
RE: Benefit Cost Model Background

The following memo provides an overview of the benefit-cost model that has been developed internally for the City.

Background

The state of Kansas requires that a benefit-cost analysis be conducted for any property tax exemption offered by a local government (KS 79-251(a)(1)). To fulfill this requirement, the City of Lawrence contracted with the Institute for Policy and Social Research at the University of Kansas. The Institute developed a model and provided analysis for all tax abatement applicants.

Earlier this year, KU notified Lawrence that the model needed to be updated. At the same time, there was a desire on the part of the City to have an in-house model in order to be able to simplify the analytical process, both in terms of the number of variables used and in terms of the ability to run multiple analyses on an application. For these reasons, the City chose to develop its own model.

Research

Staff conducted extensive research in developing the benefit-cost model. In order to create the model, staff did the following:

- Reviewed best practices as noted by existing literature;
- Met with KU staff and reviewed the KU benefit-cost model to understand how the analysis has been conducted to-date;
- Reviewed the State model that is available for municipalities as well as the questionnaire they recommend for applicants for tax abatements;
- Identified key issues and conducted several internal meetings to develop preliminary approaches to modeling these issues;
- Visited Lee's Summit, MO; Kansas City, MO; Lenexa, KS and Manhattan, KS to review their models and how they handled some of the more difficult

issues in modeling (these issues included multipliers, discount rates and costing infrastructure);

- Spoke with consultants to discuss where to obtain certain variables such as multipliers; and
- Met with City, County, and USD 497 officials to apprise them of progress and better understand their budgets and costs.

Output- First Draft

A first draft of the model was ready by the end of August. The draft version of the model measures costs and revenues for the City, Douglas County, USD 497, and the State. Revenues and costs are measured both for the firm as well as new residents that move to the community. Revenues include sales tax, property tax, any sale or lease of property owned by the City or County, franchise fees, state transfers to the school district, and income and corporate income taxes for the State. Costs include any new infrastructure built for the project, ongoing operating costs for the taxing jurisdictions, interest paid by taxing jurisdictions for bonds issued, and for the State any new transfers to the School District.

All data is derived either from the applicant's questionnaire or from easily obtainable public sources. Much of the data is entered on a single page and the source of the data is clearly identified for users of the model. Some data- such as Census information and City and County budgets- is included as additional worksheets.

Some key features of the model are more abstract. In particular, this includes the multiplier, the number of new residents, and the discount rate. The multiplier is taken from the Bureau of Economic Analysis (BEA) RIMS II database. The multiplier measures the relationship of industries to one another in a local economy, and thus helps estimate the number of additional jobs and the salaries of those jobs when a firm relocates, expands or contracts in a local economy. These additional jobs are known as indirect jobs. The multiplier will need to be updated every few years.

The number of new residents uses a procedure that derives its estimates from the U.S. Census' Local Employment Dynamics (LED) database. The LED database measures job location and commuting patterns of every employee covered under unemployment insurance (it thus excludes federal employees as well as the self-employed and individual contractors). The model uses the data from LED to estimate where new firm employees will live, as well as where new indirect jobholders will live as well.

Finally, the discount rate attempts to value the stream of future revenues and costs in today's dollars, under the key assumption that a dollar tomorrow is not worth as much as a dollar today. The discount rate in the model values "tomorrow's" dollar at a rate equal to a risk-free rate of return plus a risk-adjustment for the likelihood that the total projected return will not be made.

Presentation

Upon completion of the first draft of the benefit-cost model, staff held a series of meetings to introduce the model, explain it, and receive feedback. A series of meetings was conducted with City, County, Chamber, and community representatives. These meetings helped identify several issues that needed further research and resolution. Several items were brought up that required further review. A memo was prepared with recommendations as to whether these items should be incorporated into the model. After feedback was received on the memo, an updated version of the model was prepared. The updated model incorporates the following changes:

- 1) Two errors were found in the original model and corrected. One was an overcalculation of sales taxes in the first year, the second was an undercalculation of property taxes for new residents who have indirect jobs;
- 2) All census and community information was updated, as needs to be done on an annual basis;
- 3) The calculation of the benefit-cost ratio was changed. The ratio had been calculated as if the firm did not need the incentive. It is now calculated as if the firm does need the incentive (further discussion on this issue can be found in the follow-up memo, along with Vice-Mayor Chestnut's response);
- 4) In November, Lawrence residents approved three new sales taxes for the next ten years that will add .55% to the local tax rate. These new sales taxes were added as "sunset" taxes- that is, they expire after several years (in the 87 acre test case, we assume the firm will not be operational until 2010, so we only count these sales taxes for 8 total years);
- 5) Interest rates were updated due to large changes. This resulted in lower mortgage rates for home purchases and a lower discount rate for future revenue and cost streams;
- 6) Sales tax revenues generated from construction of the facility was added to the model;
- 7) Population numbers were adjusted. There was a double-count in the way that new "persons" in the community were accounted for in the first version of the model. Specifically, a person who both lived in Lawrence and worked in Lawrence would count as two "people." This meant that the person would generate twice as much revenue and cost as someone who, for example, lived here but did not have a job. Two alternative population counts were developed and tested;
- 8) Revenues and expenses in the General Fund budget that are not related to population growth were removed;

- 9) Additional Funds that are related to population growth were incorporated into the revenues and expenses; and finally
- 10) A slight adjustment was made to income calculations to match supplemental income (for example, earnings from dividends and interest, self-employment) more closely to wages from primary jobs.

Results and Additional Items for Discussion

Of these ten changes, two of them (items 2 and 10) had minimal impact on the results. The adjustment to the benefit-cost calculation (item 3) had no effect on the revenues and costs. The change in interest rates (item 5) resulted in a greater increase in revenues than costs. Part of the reason for this has to do with the specific example tested, and might vary under other scenarios. The addition of city and county revenues and expenses outside the General Fund (item 9) raised costs more than revenues. Three of the remaining five items (items 1, 4, and 6) resulted in more revenues than costs, although the overall impact of each on the benefit-cost ratio was modest.

The population calculation (item 7) determines the number of unique jobs and residents, and thus how much additional costs and revenues will be generated by these people. As mentioned, there was a double-count in the original model. Removing the double-count reduces the number of new "persons" in the community substantially. When combined with the elimination of non-population sensitive items in the budget (Item 8), this results in a significant impact on the model.

Staff recommends further discussion on items related to population estimates, in order to ensure the model accurately portrays commissioners' opinion on how employees and residents impact their budget. Similarly, additional discussions should take place on whether other budget funds besides the General Fund should be included in the model. Finally, staff would like further discussion on the inclusion of the construction revenues in the model to make sure that commissioners understand how this affects the results.

Model: Middle Value Firm**Assumptions for All Models:**

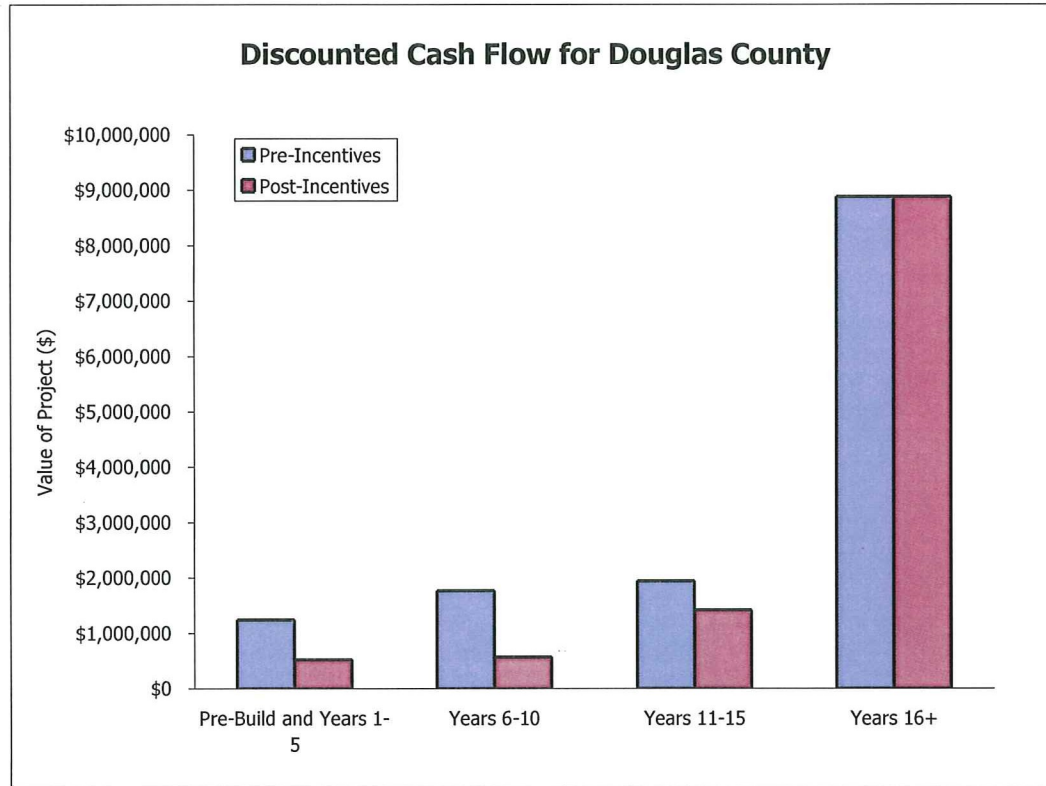
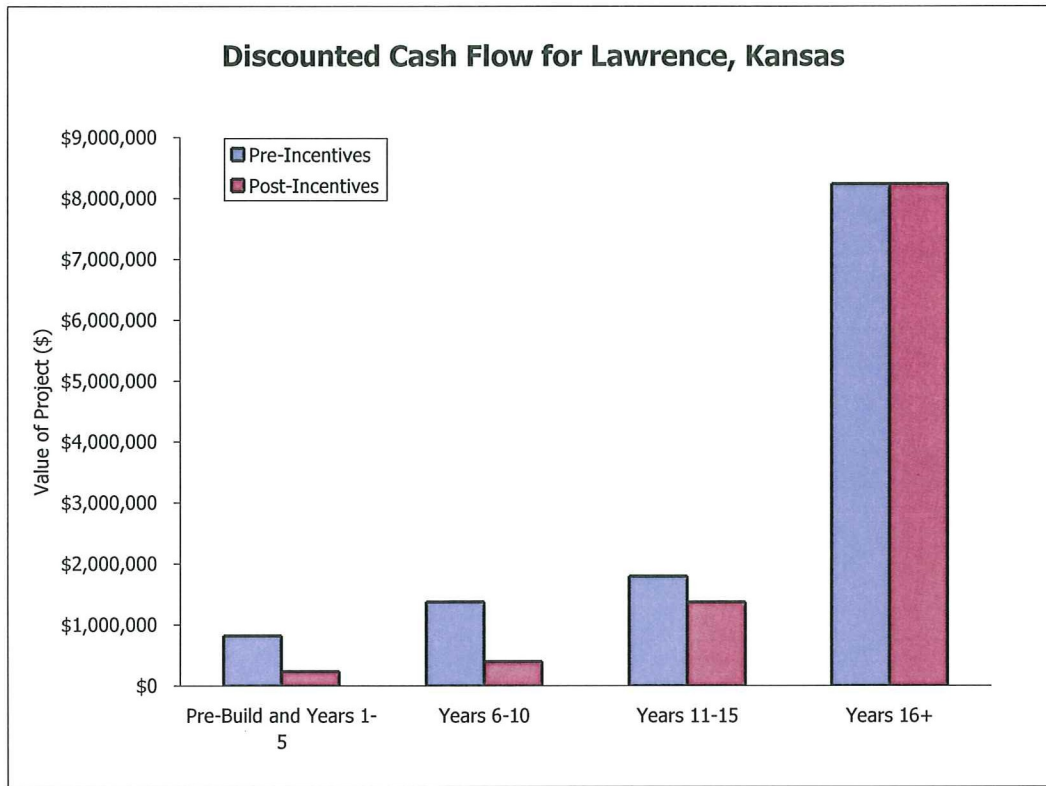
Projects are a 2 phase investment
 The first phase begins operation in January 2010, and is completed in 2011.
 The second phase begins in January 2015 and is completed in 2016.
 The same tax abatement is offered for both phases.
 Land is sold, not donated, to investing firm. Proceeds go to City.

Project Summary:

Capital Investment in Plant:	\$50,000,000
Annual Local Expenditures by Firm:	\$3,000,000
New Jobs:	500
Average Wage per Job:	\$44,000
Average Value of Home Purchased:	\$251,433
Total New Households in City and County:	437
City Revenue per Firm Employee Household:	\$0
Additional Jobs in City and County:	422
Tax Abatement/s Offered:	80%
Length of Tax Abatement/s:	10 Years
Number of Abatements:	2
Value of Tax Abatements, Total:	\$12,926,497
Value of All Incentives Offered:	\$12,926,497
Value of All Incentives per Job:	\$25,853
Value of Incentives in Hourly Pay:	\$0.83

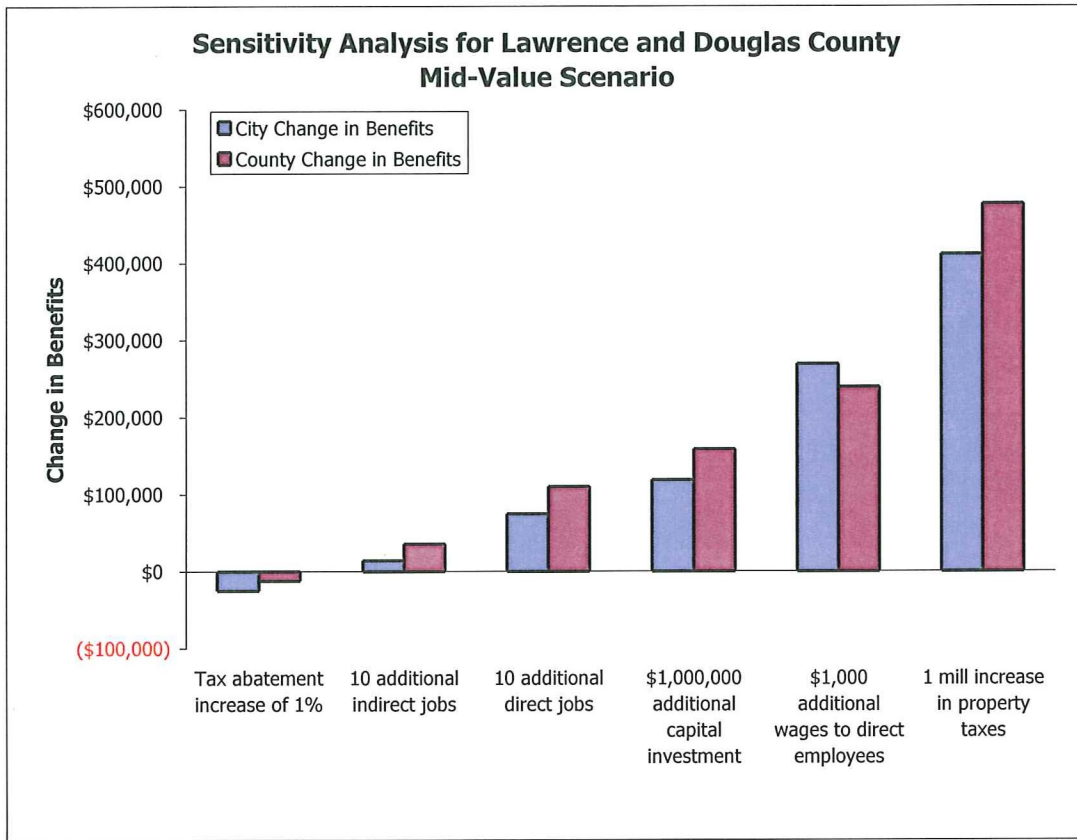
Returns for Jurisdictions:	City	County	School	Total, Local Jurisdictions
Revenues	\$53,464,659	\$45,010,204	\$56,273,313	\$154,748,176
Costs	\$29,554,855	\$18,407,178	\$6,854,975	\$54,817,008
<i>Revenue Stream, Pre-Incentives</i>	<i>\$23,909,804</i>	<i>\$26,603,026</i>	<i>\$49,418,338</i>	<i>\$99,931,167</i>
Value of Incentives Offered	\$2,919,906	\$3,581,599	\$4,081,656	\$10,583,161
Revenue Stream with Incentives	\$20,989,898	\$23,021,427	\$45,336,682	\$89,348,006

Returns for Jurisdictions, Discounted:	City	County	School	Total, Local Jurisdictions
Discount Rate	4.89%			
Discounted Cash Flow, Without Incentives	\$12,233,690	\$13,841,980	\$25,739,685	\$51,815,355
<i>Benefit/Cost Ratio, Without Incentives</i>	<i>1.74</i>	<i>2.34</i>	<i>8.08</i>	<i>2.70</i>
Discounted Cash Flow, With Incentives	\$10,238,295	\$11,394,401	\$22,950,378	\$44,583,073
Benefit/Cost Ratio, With Incentives	1.62	2.10	7.31	2.46



Appendix 1: Sources of Revenue and Costs as a Share of Revenue

Revenue Source	City	County
Property tax from Households	18.3%	33.1%
Property tax from Firm	28.3%	41.3%
Sales Taxes from Residents and Employees	22.4%	8.1%
Sales Taxes from Firm	3.8%	1.2%
Franchise Fees, Households	4.9%	
Franchise Fees, Firm	2.6%	
Other	19.6%	16.3%
<i>Total, Revenues</i>	<i>100.0%</i>	<i>100.0%</i>
<i>Costs as Share of Revenue</i>		
Capital Costs, Households	2.0%	0.4%
Capital Costs, Firm	5.5%	4.7%
Operating Costs, Residents	38.5%	30.1%
Operating Costs, Indirect Employment	18.4%	12.0%
Operating Costs, Firm	23.4%	14.2%
Infrastructure on the Firm's Property	0.0%	0.0%
<i>sub-total, costs</i>	<i>87.9%</i>	<i>61.4%</i>
Abatements	5.5%	8.0%
Other Incentives	0.0%	0.0%
Total, Costs as Share of Revenue	93.4%	69.3%



Date: February 12, 2009

To: **Lawrence City Commissioners**

From: Daniel Poull, Chair, Sustainability Advisory Board

CC: Roger Zalneraitis, City of Lawrence Economic Development Coordinator

RE: **Proposed Tax Abatement and Public Incentives Policy**

The Sustainability Advisory Board wishes to comment on the City's pending tax abatement and public incentive policy. As the SAB expressed¹ earlier in regard to the City's tax increment financing (TIF) and transportation development district (TDD) policies², again, we believe that the City's proposed tax abatement and public incentive policies warrant stronger language regarding sustainability. To that end, we offer the following comments:

The Application Process

Currently, the City's abatement/incentive application lacks opportunities for businesses to highlight their environmental performance or disclose the infrastructure impacts of a given proposed project. The language currently included in the policy--that a business should be "environmentally sound"--does not provide definable benchmarks which can be used to fairly and objectively evaluate applicants. Rather, we recommend that the City request the following specific environmental and infrastructure information on abatement applications: estimated water and energy usage; wastewater and solid waste generation; hazardous waste generator status and EPA ID#, if applicable; air, pre-treatment/discharge or NPDES permit #, if applicable, and any pollution prevention or energy conservation measures to be included in proposed project.

Overview of Applications

We support overview of abatement applications by a subordinate body (i.e. the PIRC or ED Board) and respectfully request that a member of SAB be allowed to participate as a voting, ad-hoc member of such a body.

Reward Clause for LEED certification, etc.

While we certainly support LEED certification as a possible facet of abatement or incentive assessment, we believe that there are also many other important (and perhaps less costly) ways that a company can demonstrate their commitment to sustainability. Many communities have begun to implement abatement policies which reward sustainability and encourage the development of "green collar"³ jobs. We fully support this idea and believe it merits the Commission's consideration. However, we do not believe that it should be implemented at the exclusion of the information included in item 1, above.

Cost Benefit

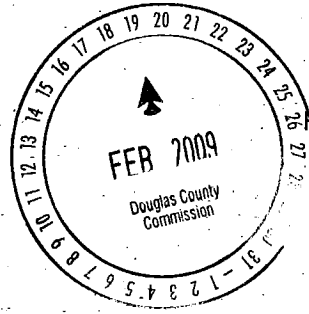
Whichever benefit cost or project evaluation model is implemented, we recommend that it include and be structured to consider the environmental and infrastructure impacts of a given abatement application.

¹ see December 2008 CC meeting minutes, and SAB TIF/TDD memo submitted to Diane Stoddard May 7, 2008.

² http://www.ci.lawrence.ks.us/web_based_agendas/2008/12-16-08/12-16-08h/ecodevo_tif_tdd_ltr_frm_sab.pdf

³ <http://www.gpace.org/?tag=kansas-blue-green-alliance>

February 17, 2009



RDA

Rural Development Association
of Northeast Kansas

P. O. Box 207
1426 S. Old Hwy 75, Suite B
Sabetha, KS 66534
Phone: (785) 284-3099
Fax: (785) 284-3117
<http://www.rdanek.com>
Email: rdaneknancy@mewlan.com
Email: rdanekva@mewlan.com

County Commissioners
Douglas County Courthouse
1100 Massachusetts Street
Lawrence, KS

RE: KANSAS NEIGHBORHOOD STABILIZATION PROGRAM

The Neighborhood Stabilization Program was initially designed in part by Housing and Urban Development to combat neighborhood deterioration due to the greatly increased number of repossessed homes on the market. The State of Kansas was awarded \$20,0341,135 with \$555,862 being allotted to Douglas County.

The Kansas Plan for the Neighborhood Stabilization Program has been approved by HUD. Funding will be released in the near future. The Kansas Department of Commerce, Community Development Block Grant, will be overseeing the program for the State. Therefore, an informational/instructional meeting will be held on March 3, 2009 from 10 A.M. to 3 P.M. at the Social and Rehabilitation Services Learning Center, 2600 SW East Circle Drive S. in Topeka. It is urged that a representative of the County attend this meeting.

In order to facilitate the initial application to HUD for funding in Kansas, the Department of Commerce was forced to act very quickly to design and submit a plan. Therefore, areas with Planning Agencies, as non-profit agencies, that had qualified Certified Grant Administrators were assigned counties to administer the program at the local level. The Northeast area in Kansas does not have a planning agency so Rural Development Association of Northeast Kansas was asked to take on the role of Administrator since they employ a Certified Grant Administrator, Virginia Dienstbier.

The role of RDA of NEK will be to assist the County in the purchase, rehabilitation (if necessary) and resale of repossessed houses in the area in order to prevent neighborhood blight of abandoned homes.


The County will not be required to match funding but it will be the responsible party in hiring (with the assistance of the designated grant administrator) appraisers, housing inspectors, contractors to perform rehabilitation functions, and see that proper documentation is kept. All funding for these activities is provided by HUD, including administration fees and expenses.

Rural Development Association of Northeast Kansas Role:

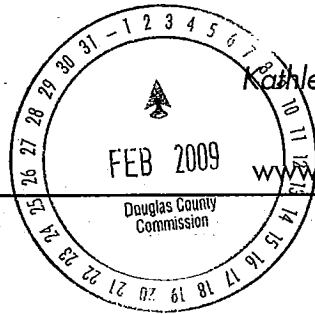
1. Evaluate properties
2. Negotiate with Lenders on REO properties
3. Arrange for appraisals on property – County will send RFP's for Appraisers with the assistance of RDA
4. Consult with Counties regarding purchase and disposition of properties
5. Hold properties in RDA of NEK name until rehabilitated and re-sold or ready to turn over to community land bank.
 - a. RDA will be responsible for seeing that the property is insured and maintained while being rehabbed or marketed. Property upkeep (mowing and general) will be at the expense of the RDA. Marketing and Insurance expenses are a direct cost to the HUD program.
6. Assist County in obtaining a Housing Grant Administrator to facilitate the Rehabilitation of properties to health and safety standards (If this is route desired by County).
 - a. Grant Administrator will be responsible for assisting the county in obtaining inspector, detailing work to be done and preparing bids specs for contractors, for each property to be rehabbed or demolished. Housing Grant Administrator will be responsible for qualifying applicants wishing to purchase houses.
7. After properties are rehabbed the RDA Administrator will be responsible for getting properties marketed or turned over to a housing authority for disposition.
8. Any income from resale of property after expenses from purchasing, rehabilitating, etc., will be turned back over to the Department of Commerce for redistribution. Funds returned to the program prior to the 9 month time limit will be made available to Counties who returned proceeds.

I hope that this will answer many of your questions about the program and that when I meet with you, I will be able to answer further questions. I do urge that Douglas County be represented at the meeting being held in Topeka on March 3, 2009 to get further information on the design and implementation of the program.

Sincerely,


Virginia A. Dienstbier
CDBG Certified Grant Administrator

Copy: Craig Weinaug, County Administrator



Copy to Charles

Kathleen Sebelius, Governor
David D. Kerr, Secretary
www.kansascommerce.com

January 29, 2009

County Chairman
Douglas County Commission
1100 Massachusetts
Lawrence, KS 66044

Dear County Chairman:

Congress passed the Housing and Economic Recovery Act last July. It is being implemented by the U.S. Department of Housing and Urban Development (HUD) as the Neighborhood Stabilization Program (NSP).

The Kansas Department of Commerce, Rural Development Division, in partnership with the Kansas Housing Resources Corporation, HOME program, will implement this \$20,970,242 program in the 21 Kansas counties most severely impacted by the foreclosure of property in 2008. Your county is one of those 21.

Under the NSP, counties can undertake one or more of the following eligible activities as outlined in the Housing and Economic Recovery Act:

1. Establish financing mechanisms for purchase and redevelopment of foreclosed upon homes and residential properties, including such mechanisms as soft seconds, loan loss reserves and shared equity loans for low- and moderate-income homebuyers.
2. Purchase and rehabilitate homes and residential properties that have been abandoned or foreclosed upon, in order to sell, rent or redevelop such homes and properties.
3. Establish land banks for homes that have been foreclosed upon.
4. Demolish blighted structures.
5. Redevelop demolished or vacant properties.

COMMUNITY DEVELOPMENT

1000 S.W. Jackson St., Suite 100; Topeka, KS 66612-1354 • (785) 296-3485 • Fax: (785) 296-3776
TTY: (785) 296-3487 • E-mail: comdev@kansascommerce.com

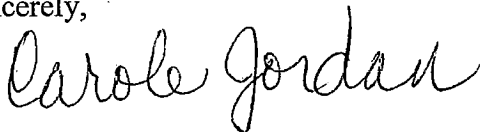
County Chairman
Douglas County Commission
January 29, 2009

Certified grant administrators, Regional Planning Commissions and County staff who are familiar with the CDBG program have been selected by the Kansas Department of Commerce to expedite program administration to fulfill the congressional mandate to fully appropriate NSP funds within the required 18 month time frame. The administrators will contact you soon to begin implementation of the NSP program. Names and contact information for those individuals are listed on the following page.

The Kansas Department of Commerce and KHRC will jointly administer this program for the State of Kansas. Prior to expending any funds, Commerce and KHRC staff will host a sub-grantee workshop on March 3, 2009 from 10 a.m. to 3 p.m. at the Social and Rehabilitation Services Learning Center, 2600 SW East Circle Drive S., in Topeka.

Each sub-grantee is strongly encouraged to send at least one representative to the workshop. If you should have questions, contact us at (785) 296-3004.

Sincerely,

A handwritten signature in cursive script that reads "Carole Jordan". The signature is written in black ink and is positioned below the word "Sincerely,".

Carole Jordan
Director, Rural Development Division

County Name	Grant Administrator Assigned to Grant	Grant Award
Sedgwick Co.	City of Wichita / Mary Vaughn	\$ 4,491,319
Johnson Co.	Johnson County / Vicki Schmidt	\$ 4,468,739
Wyandotte Co.	LaVert Murray, Unified Government	\$ 3,615,528
Shawnee Co.	Randy Speaker, City of Topeka	\$ 1,626,320
Leavenworth Co.	Virginia Dienstbier, RDA of North East Kansas - (785) 284-3099	\$ 1,019,484
Douglas Co.	Virginia Dienstbier, RDA of North East Kansas - (785) 284-3099	\$ 555,862
Butler Co.	Sandy Ring, SCKEDD – Ph. 316-262-7035	\$ 544,939
Reno Co.	Sandy Ring, SCKEDD– Ph. 316-262-7035	\$ 530,374
Miami Co.	Linda Weldon, SEKRPC – Ph. 620-431-0080	\$ 436,922
Franklin Co.	Linda Weldon, SEKRPC – Ph. 620-431-0080	\$ 353,178
Lyon Co.	Linda Weldon, SEKRPC – Ph. 620-431-0080	\$ 285,213
Crawford Co.	Linda Weldon, SEKRPC – Ph. 620-431-0080	\$ 283,999
Saline Co.	Doug McKinney, NCRPC- Ph. 785-738-2218	\$ 280,358
Sumner Co.	Sandy Ring, SCKEDD – Ph. 316-262-7035	\$ 259,726
Cowley Co.	Sandy Ring, SCKEDD – Ph. 316-262-7035	\$ 253,657
Osage Co.	Linda Weldon, SEKRPC – Ph. 620-431-0080	\$ 226,957
Montgomery Co.	Linda Weldon, SEKRPC – Ph. 620-431-0080	\$ 216,034
Harvey Co.	Sandy Ring, SCKEDD – Ph. 316-262-7035	\$ 214,820
Jefferson Co.	Virginia Dienstbier, RDA of North East Kansas - (785) 284-3099	\$ 211,179
Geary Co.	Doug McKinney, NCRPC - Ph. 785-738-2218	\$ 185,692
Cherokee Co.	Linda Weldon, SEKRPC – Ph. 620-431-0080	\$ 180,837
State Administration		\$ 629,107
TOTAL		\$20,970,242