

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.

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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

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

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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.

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