

League of Women Voters of Lawrence-Douglas County

P.O. Box 1072, Lawrence, Kansas 66044

December 15, 2008

Mayor Michael Dever,
Vic-Mayor Robert Chestnut
Commissioner Mike Amyx
Commissioner Sue Hack
Commissioner Boog Highberger

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**CITY MANAGERS OFFICE
LAWRENCE, KS**

RE: The SmartCode

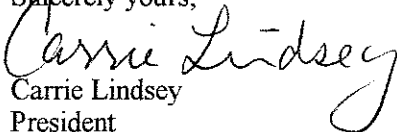
Dear Mayor Dever and City Commissioners:

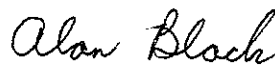
The League of Women Voters of Lawrence-Douglas County has followed the initiation, writing and public reviews of the SmartCode document throughout its development. Because this Code and the plans and concepts it represents of convenient, pedestrian-oriented neighborhoods is in line with our adopted positions on neighborhood planning, we have supported the planning concept of this Code. However, because of a variety of features that have been incorporated into this document and/or are missing but needed, we cannot support the Code in its present form. Below is a partial list of the objections that we have had and continue to have.

1. The approval process is deficient.
 - a.. The process of public hearing and adoption of the rezoning to SmartCode requires almost no information or commitment about the actual uses and physical plans intended to be developed.
 - b. There is too little opportunity for public input following the rezoning stage.
 - c. The amount of administrative decisions required of the CRC (the decision-making body) and staff will tend to make consistency in requirements uncertain, not just for the public, but for the developers as well.
2. Some of the criteria incorporated into the SmartCode are inconsistent with its concept of TNDs and pedestrian-oriented neighborhoods. For example, the SmartCode threshold of 100,000 square feet of additional retail floor space that triggers an independent market analysis of additional retail floor area is so large that it suggests that the Code supports large, auto-oriented shopping centers. It is not consistent with our Land Development Code which has adopted a threshold of 50,000 square feet as the threshold for a market analysis.
3. The bonus tables for incentives include neighborhood and community uses that should be unquestioned requirements of the TNDs and cluster developments regardless, without need for bonus incentives. The whole concept of the TND and SmartCode should normally require these features in order to function as "pedestrian sheds." Examples of features that should be required are close proximity to public parks or open space, transit stops, moderately priced housing, education/cultural centers, small pedestrian-oriented businesses and the like (see page SC16 of the annotated pages).
4. Because of the high density of Infill Plans, they should be required to include adequate, immediately accessible open space. Please see our objections to the 19th and Haskell Plan in the excerpt page SC30 annotation.
5. Subdivision and public improvements should conform to the applicable sections of our Subdivision Regulations. (Annotations on these points have been included.)

We hope with these comments, and the additional annotations on excerpted pages attached to this letter, that you will understand and agree with us that the SmartCode is not in a final form that would allow it to be successfully implemented for its original purpose. We hope that you will continue to support the concept of pedestrian-friendly, public transportation-oriented, livable neighborhood design, but rework this SmartCode until it can meet this objective.

Sincerely yours,


Carrie Lindsey
President


Alan Black, Chairman
Land Use Committee

Attachment