

# Memorandum

## City of Lawrence

### Planning & Development Services

**TO:** David L. Corliss, City Manager

**FROM:** Dan Warner, AICP, Long-Range Planner

**CC:** Cynthia Boecker, Assistant City Manager  
Diane Stoddard, Assistant City Manager

**Date:** 1/15/09

**RE:** Lawrence SmartCode

The Lawrence City Commission deferred action on the Lawrence SmartCode at their January 6, 2009 meeting. The Commission directed staff to make changes regarding the development process for Greenfield (Article 3) development. The Commission directed that the approval process for Article 3 be similar to that of Article 4, which results in the City Commission having final approval of Article 3 plans. The Commission also directed staff to expand the notice requirements for Article 3 applications. Staff made a number of changes to the draft to comply with City Commission direction. Those changes are shown below.

The Commission also discussed making potential changes to the Lawrence SmartCode Architectural Standards. Staff presents a few options for future changes for the Commission to consider:

1. Leave the standards in place as they are and review them after they have been put in practice for a couple projects.
2. Leave the standards in place but proceed with revising them with local assistance. A text amendment to the code will be initiated after the standards have been revised.
3. Remove the standards and direct staff to work to revise them with local assistance. A text amendment to insert the standards back into the code will be initiated after the standards have been revised.

Further, upon adoption staff will work on the necessary text amendments to the Land Development Code to further the implementation of the Lawrence SmartCode.

#### Draft Changes:

- 1.4.2 The City hereby creates a Consolidated Review Committee (CRC) comprised of a representative from: Planning and Development Services, Fire, Parks, Public

Works, and Utilities. The CRC shall be the administrative approval body for ~~SmartCode applications except for rezoning and platting~~ Article 5 applications.

1.4.3 Should a violation of an approved plan occur during construction, the ~~CRC~~ Director of Planning and Development Services has the right to require the Developer to stop, remove, and/or mitigate the violation as set forth in 1.7.6 of this Code.

1.4.8 Upon rezoning approval by the City, the developer shall submit ~~the appropriate SmartCode applications to the CRC for approval~~. For a lot-scale project, the developer shall submit Article 5a (Sec. 5.1.5.a) and Article 5b (Sec. 5.1.5.b) applications to the CRC. For a Greenfield project meeting the minimum contiguous acreage requirement, the developer shall submit an Article 3 application, including a Transect Map in compliance with these sections to the CRC for review with final ~~for approval~~ by the City Commission, followed by Article 5a, and 5b applications. Following an approved Article 4 plan, the developer shall submit Article 5a, and 5b applications to the CRC for approval.

1.4.9 – 1.4.16: Removed all Article 3 references (these sections regard administrative approval process).

3.1.3 New Community Plans shall be submitted in accordance with the provisions of this Code ~~shall be approved administratively reviewed by the CRC and~~.

3.1.4 New Community Plans shall be submitted for review by the CRC and approval by the City Commission. The CRC will review the New Community Plan applications and provide a report on the requests to the City Commission.

#### 3.1.5 Notice

a. Notice of a proposed New Community Plan application shall be posted on the property covered by the application, in accordance with Sec. 20-1301(q)(4) of the Development Code. In addition, written notice of the application shall be mailed to the Owner of record of all property within 500 feet of the subject property, and to all Registered Neighborhood Associations whose boundaries include the subject property or are adjacent to the neighborhood the subject property is located in. The notice shall be sent by the applicant by regular mail, postage pre-paid. The applicant shall submit a Certificate of Mailing at the time of submission of the application. An application for New Community Plan review will not be considered complete without an executed Certificate of Mailing. The notice shall provide:

1. a brief description of the proposed development activity;
2. the projected date of construction of the proposed use;

3. the person, with contact telephone number and address, designated by the applicant to respond to questions concerning the proposed application;
4. the date the application will be submitted to the CRC for review; and a statement with substantially the following information:
  - i. Notice of Lawrence SmartCode Application pending before the Consolidated Review Committee (CRC).
  - ii. This letter is being sent to the Owner of property adjoining, or a Registered Neighborhood Association encompassing, the proposed development described further in this letter. It is being sent for the purpose of informing the notified person and other interested parties about the proposed development. This letter is being provided solely to advise adjoining Landowners of the pending proposed development and does not grant the recipient and/or Landowner any additional legal rights to challenge the proposed development beyond those granted as part of the normal appeal process. For further information, contact the applicant's designated representative at (xxx) xxx-xxxx or the Planning and Development Services Department at (785) 832-xxxx.
- b. The failure to receive notice of New Community Plan review by an adjoining Landowner or Registered Neighborhood Association will not affect the validity of the New Community Plan approval or review.

Renumbered remaining 3.1 sections

#### 4.1.3 Notice

- a. Notice of a proposed Infill Community Plan application shall be posted on the property covered by the application, in accordance with Sec. 20-1301(q)(4) of the Development Code. In addition, written notice of the application shall be mailed to the Owner of record of all property within 500 feet of the subject property, and to all Registered Neighborhood Associations whose boundaries include the subject property or are adjacent to the neighborhood the subject property is located in. The notice shall be sent by the applicant by regular mail, postage pre-paid. The applicant shall submit a Certificate of Mailing at the time of submission of the application. An application for Infill Community Plan review will not be considered complete without an executed Certificate of Mailing. The notice shall provide:
  1. a brief description of the proposed development activity;
  2. the projected date of construction of the proposed use;
  3. the person, with contact telephone number and address, designated by the applicant to respond to questions concerning the proposed application;
  4. the date the application will be submitted to the CRC for review; and a statement with substantially the following information:
    - i. Notice of Lawrence SmartCode Application pending before the Consolidated Review Committee (CRC).

- ii. This letter is being sent to the Owner of property adjoining, or a Registered Neighborhood Association encompassing, the proposed development described further in this letter. It is being sent for the purpose of informing the notified person and other interested parties about the proposed development. This letter is being provided solely to advise adjoining Landowners of the pending proposed development and does not grant the recipient and/or Landowner any additional legal rights to challenge the proposed development beyond those granted as part of the normal appeal process. For further information, contact the applicant's designated representative at (xxx) xxx-xxxx or the Planning and Development Services Department at (785) 832-xxxx.
- b. The failure to receive notice of Infill Community Plan review by an adjoining Landowner or Registered Neighborhood Association will not affect the validity of the Infill Community Plan approval or review.

Renumbered remaining 4.1 sections