

**Kirk McClure
707 Tennessee Street
Lawrence, Kansas 66044**

June 18, 2009

Lawrence Douglas County Planning Commission
c/o Dan Warner, Long-Range Planner, AICP
Planning and Development Services Department
City Hall, East 6th Street, PO Box 708
Lawrence, Kansas 66044-0708
dwarner@ci.lawrence.ks.us

Re: Comments on the Architectural Standards Revisions

Commissioners,

At the behest of members of the City Commission, Placemakers was employed to draft a "SmartCode" for Lawrence.

The product generated is referred to as SmartCode. It is an addition to the city's comprehensive plan.

For a plan to be "Smart" means, at the very least, that the plan corrects the market failure of overbuilding. It has long been known that, left to its own devices, the development industry will build more housing units than there is demand to consume and will build more retail space than there is demand to support. This leaves older neighborhoods and shopping centers to deteriorate, causing a loss of value to nearby properties, while the taxpayers must pick up the costs for the infrastructure serving this surplus space. This overbuilding process is found in cities throughout the country, but Lawrence is a textbook example of the problem.

Many cities seek to prevent this process by adopting "Smart" planning codes. These smart codes manage growth, keeping the pace of growth of real estate in balance with the pace of growth of demand for that real estate. Placemakers told the citizens of Lawrence that the pro-developer City Commission would not accept truly "Smart" growth management measures. Thus, our SmartCode could not be "Smart"; rather, it would continue to replicate the mistakes of the past. Thus, it does nothing to prevent overbuilding and sprawl.

We were told that the merits of the SmartCode are to be found in a tradeoff. We would give expedited planning review in exchange for high quality design standards. The developers, if they met exacting design standards, would be able to obtain a building permit without normal review by the Planning Commission, without normal public notice and public input, and without normal review by the City Commission.

Now the proposed design standards contain language to soften the exacting design standards and make them into simple guidelines.

Even if the SmartCode would not stop sprawl or prevent overbuilding, Placemakers argued that the SmartCode would bring about more compact design and mixed-use developments. The current proposal takes the teeth out of the design standards and reduces them to design guidelines. The developers may now bring forward designs that do not meet the standards promised, the staff may approve them without public input, and the planning staff may issue the building permit without review by the Planning Commission or the City Commission.

The end result is that our SmartCode is neither smart nor is it an exacting code. The SmartCode trades away proper review by the Planning Commission, the City Commission and the public, and if this proposal is adopted, it will no longer ensure adherence to strict design standards.

It is time for the Planning Commission and the City Commission to stop, look at the end product that has been created, and reject this misnamed SmartCode as falling too far short of what was promised. It is not a smart code in any meaningful sense of the term. Rather, it has become a dumb process governed by design guidelines that lack enforcement standards and do not guarantee that the community will gain.

I urge you to reject this proposal.

Yours truly,

A handwritten signature in black ink, appearing to read "Kirk McClure", with a horizontal line extending to the right.

Kirk McClure