



7/01/2009

Scott McCollough, Director
Lawrence-Douglas County Metropolitan Planning Office
City of Lawrence
Lawrence, Kansas 66044

RE: Code Modifications

Dear Scott,

As you are aware, the developer committee of the Chamber has been meeting to discuss zoning code and subdivision regulations that we think directly affect the ability to develop or redevelop land in Lawrence and in Douglas County. You and your staff have taken on a similar effort that has already produced positive results in code modifications that will benefit future development proposals.

To that extent, we have several ideas that we would like to offer for consideration. These ideas all surround the topic of platting property. In general, we realize this is a significant issue to tackle; however, there are several smaller steps that could be addressed in the near term that may make land development easier while we are waiting on the opportunity to examine platting in a broader context.

The following language revisions to the Subdivision Regulations is an idea that would give the Planning Director more latitude in allowing final plats to proceed even though they do not identically mirror the approved preliminary plat. We believe the language also addresses changes to the preliminary plat as a means to "dedicate" easements and rights-of-way even with modifications to the final plat as submitted.

The first idea is the relationship of the preliminary plat to the final plat. As currently written, the Code equips neither the applicant, nor the City Planning Director, with the ability to produce/approve a Final Plat that is not literally identical to the associated, previously

approved Preliminary Plat. Acknowledging the fact that a Preliminary Plat is by definition a “preliminary” document, it is normal and reasonable to expect minor differences between an approved concept (Preliminary Plat) and the legally binding instrument that formally subdivides property (Final Plat).

Per today’s Code, the Planning Director alone has the power to administratively approve a Final Plat. However, today’s Code also implies that any difference between the Preliminary Plat and Final Plat will result in re-submittal and re-hearing of the previously approved Preliminary Plat, prior to approval of the Final Plat. This process is further complicated by the “dedication” of easements and rights-of-way at the Preliminary Plat stage. Also, while the Code uses terms such as “consistent with the Preliminary Plat”, “conforms to the Preliminary Plat” and “substantially comply with the Preliminary Plat” as the basis upon which the Planning Director *shall* approve the Final Plat, no definition of these terms is provided.

We propose to amend Sec. 20-809(l) for the purpose of defining acceptable variations between the Preliminary and Final plats which include reasonable changes to easements and/or rights-of-way. Additionally, this report proposes consistent, defined terminology as a basis for the Planning Director’s approval of a Final Plat. Deleted items are shown with ~~struck~~ text and proposed amendments in **bold red**.

(l) Final Plat – Review by Planning Director

- (1) After approval or approval with conditions of a Preliminary Plat by the Planning Commission **and prior to approval of public improvement plans**, the Subdivider shall have prepared for recording a Final Plat, which is consistent with the action of the Planning Commission and with the formatting and content requirements of Section 20-812(b). The Planning Director shall review the Final Plat for incorporation of the Planning Commission’s recommendations **and comments** and to insure that the Final Plat is in the required format.
- (2) If the Planning Director finds that the submitted Final Plat conforms with the content requirements of Section 20-812(b) and is ~~consistent in substantial compliance~~ **consistent in substantial compliance** with the Preliminary Plat approved by the Planning Commission, including satisfying any conditions incorporated in that approval, the Planning Director shall approve the **Final** Plat and attach to it a formal certification that the submitted Final Plat:
 - (i) ~~Conforms to~~ **Is in substantial compliance with** the Preliminary Plat previously approved by the Planning Commission;
The Final Plat shall be deemed to be in substantial compliance with the previously approved Preliminary Plat if one or more of the following criteria are met, as applicable:

- a) No change.
- b) Increase or reduction, less than or equal to ten percent, of the number of proposed lots, parcels or tracts shown within the equivalent portion(s) of the Preliminary Plat.
- c) Adjustments to rights-of-way lines, easement lines and/or property lines in accord with applicable street classification standards, easement width and location criteria, the Subdivision Regulations, dimensional and lot area requirements, density requirements, and with variances and/or waivers which may have been granted with previous approval of the equivalent portion(s) of the Preliminary Plat.
- d) Preservation of the general form of the approved Preliminary Plat with regard to overall layout, public and/or private vehicular and pedestrian connection, area set aside for public space and/or open space, and required utility corridors.
- e) Determination by the Planning Director as to whether above-described changes, if applicable, are required to be retroactively included in a revised Preliminary Plat for Planning Office records.

- (ii) Satisfies any conditions of approval imposed by the Planning Commission;
 - (iii) Includes the same Dedications accepted by the Governing Body, subject ~~only~~ to minor technical adjustments **as described in (I)(2)(i)(a) through (e), above;**
 - (iv) Satisfies any conditions of acceptance of Dedications imposed by the Governing Body;
 - (v) Represents a plat for which all required Public Improvements have been completed, or for which adequate Guarantee of Improvements has been provided; and
 - (vi) Is otherwise consistent with the requirements of this Article for a Final Plat.
- (3) If the Planning Director finds that the submitted Final Plat is deficient as to format or content or otherwise technically deficient, the Planning Director shall notify the Subdivider of the deficiency(ies) within 5 working days.
- (4) If the Planning Director finds that the submitted Final Plat does not substantially comply with the approved Preliminary Plat, including any conditions incorporated in such approval, and with the Dedications shown on the Preliminary Plat and accepted by the appropriate Governing Body, **subject to (I)(2)(i)(a) through (d), above**, the Planning Director shall place the Final Plat on the agenda of the next Planning Commission meeting for further consideration in accordance with the Preliminary Plat review and action provisions of Section 20-804(e)(2).

- (5) The Planning Commission approval of the Preliminary Plat combined with the Planning Director's approval as to form and ~~consistency~~ **substantial compliance** with the approved Preliminary Plat shall constitute Planning Commission approval of the Final Plat. No further action by the Planning Commission shall be necessary or required.

A second idea is to remove entirely the concept of dedication of easements and rights-of-way in the Preliminary Platting stage and simply have the final plat, upon review and approval of the Planning Director, only go before the City commission as a non-public hearing item. This could be accomplished by removing Section 20-809 (h) (iv) and Section 20-809 (i) from the Subdivision Regulations and modify Section 20-809 (l) (as written above) to simply include the submittal requirements, Planning Director review and the process to take the final plat to the City Commission.

Finally, we request the site plan review process have a defined time schedule. Nearly all parties interested in developing or redeveloping in Lawrence and Douglas County are primarily concerned with time. Article 13 of the Land Development Code clearly states the Planning Director is to promulgate processing cycles for applications to the Planning Office. I believe this is manifested in the Meeting and Submittal Deadlines schedule produced annually by the Planning Office. We suggest this schedule include a comment regarding the time commitment by the City of Lawrence for all site plans. Suggested language could be:

"Site plans can be submitted weekly. Review comments shall be returned within 15 calendar days and final comments/approval within 15 calendar days following submittal of revised plans per original review comments."

Thank you for your consideration.

Sincerely,

Tom Kern
President/CEO
Lawrence Chamber of Commerce

Cc Mayor Rob Chestnut
City Manager Dave Corliss