

Memorandum

City of Lawrence

Planning & Development Services

TO: David L. Corliss, City Manager

FROM: Scott McCullough, Director

Date: August 13, 2012

RE: Code Review and Text Amendment Initiation

This memo seeks initiation of city code amendments to ensure business-friendly, responsive, and efficient processes for development. Initiation does not adopt any code changes, but does begin the process for review by staff, the Planning Commission and the public for eventual consideration by the City Commission.

The code is constantly under review and revision. Most notably, PDS made significant changes to the Land Development Code in 2009 to reduce the amount of process for minor development projects and infill projects that were not intensifying use. These changes employed input from several stakeholders including the Chamber of Commerce, individual consultants, LAN, and professional staff.

More recently, utility standards were revised to streamline variance procedures, a reciprocal licensing agreement was reached between the city and Johnson County to the benefit of contractors, and streamlining the sidewalk dining hearing procedures are in process.

In order to continue to seek improvements to enable and encourage development while ensuring that such development continues to enhance neighborhoods, staff has reviewed the standards and processes of certain sections of the City Code and provides these recommendations for revisions with the goal of continually improving the development process.

Code Standard or Processing Issue	Discussion of Standard or Process	Status
1. Review requirement for Photometric Plan for all but Outdoor Recreation Lighting	A photometric plan is a study of the light transmitted onto the subject and adjacent properties from any outside light source on projects that require site planning. The study conveys evidence that the maximum light levels of the code are not exceeded. The study can be time consuming and costly for an applicant. The value of the study could be	Proposed – requires City Commission initiation of revisions to the Land Development Code.

	maintained by prescribing a level of code standards for outdoor lighting in lieu of the study. For example, standards related to the height of parking lot poles, bulb wattage, setback from property line, etc. can ensure low light impact to adjacent neighbors while lessening the burden on applicants.	
2. Review the requirement for a Retail Market Study to be submitted with zoning and site plan applications	The code requires that a retail market study be submitted for any proposal that includes 50,000 square feet of retail uses. This is intended to ensure a healthy retail market as development occurs in the city. Planning Staff maintains a bi-annual retail market study that provides valuable information about the overall health of the retail market. While specific market studies can provide important information about a project's potential impact on the market as well, the requirement to provide a study in addition to the one completed by staff is viewed by some as costly and time consuming when a prudent analysis of any proposal can be made with the information contained in staff's study.	Proposed – requires City Commission initiation of revisions to <i>Horizon 2020</i> and the Land Development Code.
3. Review the requirement that development projects be required to comply with <i>Horizon 2020</i>	For rezoning applications, the Development Code requires compliance with <i>Horizon 2020</i> , yet the state statutes and case law views the comprehensive plan as a guide document. Removing the requirement for comprehensive plan compliance for rezoning requests would streamline the application process while maintaining the integrity of the adopted plans as one of the Golden Factors by which to analyze a request.	Proposed – requires City Commission initiation of revisions to the Land Development Code.
4. Review parking lot screening standards	The code related to parking lot perimeter screening currently requires a solid masonry wall between 3 and 4 feet in height or a berm. The wall can prove costly and a berm requires a wide area to accommodate the 3:1 slope. Consider revising the standards to lessen the amount of screening required (hedge of shrubs for example).	Proposed – requires City Commission initiation of revisions to the Land Development Code.
5. Review the right-of-way variance process	The code requires that variances associated with reducing rights-of-way widths when platting be approved by the Planning Commission. This is less of an issue with the major platting process, but can add time to an otherwise time-efficient minor subdivision process. Consider a more streamlined	Proposed – requires City Commission initiation of revisions to the Subdivision Regulations.

	mechanism to grant the variance for minor subdivisions – City Engineer approval, for example.	
6. Review the Master Street Tree Plan process	The Master Street Tree Program ensures that street trees are planted with any new subdivision. Replatting through the minor subdivision process can alter the number of trees assigned to individual lots, thus requiring revisions to the street tree plan. Staff believes efficiencies in process can occur with a review of the program.	Proposed – requires City Commission initiation of revisions to the Subdivision Regulations.
7. Review the notice for easement and right-of-way dedication and vacation on minor subdivisions	Dedicating and/or vacating easements and rights-of-way can be accomplished with the minor subdivision process with a 20-day notice period to surrounding property owners prior to City Commission consideration. Staff believes efficiencies can be made in the notice requirement that would maintain notice to surrounding property owners, but that could reduce the overall time required to submit the application to the City Commission.	Proposed – requires City Commission initiation of revisions to the Subdivision Regulations.

Action Requested:

Initiate the recommended text amendments noted above to the various sections of the City Code.