

Bobbie Walthall

From: csuen3@sunflower.com
Sent: Monday, April 22, 2013 2:46 PM
To: Bob Schumm; Bobbie Walthall; David L. Corliss; Jeremy Farmerr; Mike Amyx; Mike Dever; Terry Riordan
Subject: TA-12-00206

Dear Commissioners,

ITEM NO. 7 TEXT AMENDMENT TO THE LAND DEVELOPMENT CODE; DEVELOPMENT PROJECTS REQUIRED TO COMPLY WITH H2020 (MJL)

TA-12-00206: Consider Text Amendments to the City of Lawrence Land Development Code, Chapter

20, various articles, to change the requirement that development projects be required to comply with

Horizon 2020. Initiated by City Commission on 8/21/12.

We agree with the Planning Commission's recent finding that this proposed amendment is inappropriate and unwarranted.

We would like to request that you deny this amendment.

Please include in the city commission packet for April 23, 2013 meeting. Thank you.

With regards,
Cindy Suenram
Arch Naramore
1204 New York
Lawrence

Bobbie Walthall

To: Laura Routh
Subject: RE: Comment on Text Amendment (TA-12-00206)

From: Laura Routh [<mailto:lauridi@hotmail.com>]
Sent: Monday, April 22, 2013 9:03 AM
To: Bobbie Walthall
Subject: FW: Comment on Text Amendment (TA-12-00206)

From: lauridi@hotmail.com
To: jfarmer83@gmail.com; triordanmd@hotmail.com; mikeamylx515@hotmail.com;
schummfoods@gmail.com; mdever@sunflower.com; dcorliss@ci.lawrence.ks.us
CC: candicedavis@sunflower.com; steve@acornwebworks.com; ddannenberg@sunflower.com;
mcclurefamily@sbcglobal.net; pboyle@sunflower.com; lcbush@gmail.com; bacjb@ku.edu;
melin@sunflower.com; lesteria@yahoo.com; rheckler2002@yahoo.com; seanwilliams@sunflower.com;
dlonghurst@sunflower.com; lharris1540@gmail.com; csuen3@sunflower.com; rwlewis324@hotmail.com;
jasonforjustice@gmail.com; queercoup@riseup.net
Subject: Comment on Text Amendment (TA-12-00206)
Date: Mon, 22 Apr 2013 13:58:59 +0000

Dear Commissioners,

I am writing on behalf of the Lawrence Association of Neighborhoods (LAN), to ask you to reject the text amendment (TA-12-00206) proposed to the City of Lawrence Land Development Code, Chapter 20.

The proposed amendment would eliminate the requirement that development projects comply with Horizon 2020, our Community's comprehensive plan.

We ask the City Commission to recognize that this text amendment was rejected **unanimously** by the planning commission (PC). In comments made toward the end of that PC meeting, the Chair, Dr. Bruce Liese, noted that the PC wished to send a strong message to the City Commission that the PC believed this proposed amendment was inappropriate and unwarranted.

LAN concurs with the findings of the PC.

This amendment would remove important procedural aspects of the planning process, and would limit citizen input on planning decisions.

It weakens the value of Horizon 2020 and may serve to discourage public participation in, and acceptance of, future planning documents and processes.

Further, as we understand, its development was conducted in closed meetings without public notice or input. City staff has not provided any objective evidence or data that the amendment is justified.

For all these reasons, LAN asks the City Commission to reject the amendment.

We appreciate your time and your service to the citizens of Lawrence. We respectfully request that our comments here be made part of the public record for Tuesday night's meeting.
Thank you.

Sincerely,

Laura Routh
LAN Chair

Bobbie Walthall

To: David L. Corliss
Subject: RE: TA-12-00206: Vote No

----- Forwarded message -----

From: "lcbush@gmail.com" <lcbush@gmail.com>
To: "mdever@sunflower.com" <mdever@sunflower.com>, "mikeamyx515@hotmail.com" <mikeamyx515@hotmail.com>, "voteyourselfafarmer@gmail.com" <voteyourselfafarmer@gmail.com>, "riordan346@gmail.com" <riordan346@gmail.com>, "schummfoods@gmail.com" <schummfoods@gmail.com>, "David L. Corliss" <DCorliss@lawrenceks.org>
Cc: "bruce@kansascitysailing.com" <bruce@kansascitysailing.com>, "bculver@bankingunusual.com" <bculver@bankingunusual.com>
Subject: TA-12-00206: Vote No
Date: Sat, Apr 20, 2013 12:27 pm

RE: Text Amendments, TA-12-00206, to the City of Lawrence Land Development Code, Chapter 20, various articles, to change the requirement that development projects be required to comply with *Horizon 2020*.
Initiated by City Commission on 8/21/12. (PC Item 7; denied 8-0 on 3/25/13)

Commissioners, I urge you to VOTE AGAINST THE PROPOSED TEXT AMENDMENTS regarding the Land Development Code to remove the requirement for comprehensive plan compliance for rezoning requests.

Plans such as Horizon 2020 are made for a reason... to ensure that a consistent, researched, and well-reasoned vision guides us even through election cycles and power plays by special interests. Such plans give citizens, businesses, and other property owners a predictable and reliable scaffold for proposing and making improvements in our community. The residents of Lawrence have a right to expect that City Planners and the Planning Commission will adhere to our established comprehensive plan, and that the City Commission will act to carry out the intentions of that plan

It should carry significant influence with you that the Planning Commission, the deliberative body charged with review of the text amendments, has unanimously denied recommendation of them. Please carry that forward and vote against text amendments TA-12-00206.

Thank you for your consideration,

Linda C Bush

(Lawrence, KS 66044)

To the Lawrence City Commissioners

Re: The proposed text change to remove the requirement to be consistent with the comprehensive plan scheduled for the 4/23/13 meeting

It seems that this amendment would only serve to accommodate developers. There was an enormous amount of effort to develop Horizon 2020. Our community has been guided by its plans for many years. The following, as the city states, is what will be the likely result of this proposed change:

The proposed text change could be seen as a decision to downgrade the community vision and fabric of the plan, and discount the time and effort the community has put into the development of Horizon 2020, adopted future land use plans and other documents based on the comprehensive plan. Removing the requirement could also reduce the certainty and predictability the plan provides to citizens and property owners making improvements in the community.

Please vote against this change.
Thank you for your consideration,
Linda Haskins

Dear City commissioner and City Staff,

4-19-13

I am writing in reference to the text amendment to be considered this Tuesday, 4-23-13, to attempt to remove the development code from the city's comprehensive plan, Horizon 2020. The Planning Commission unanimously rejected the amendment.

Horizon 2020 serves as the foundation for all project review and planning. It helps ensure consistency in planning projects and provides predictability for citizens and property owners. It seeks to balance all interests in order to maintain a thriving, healthy community. Developers and development should not be exempt from the comprehensive plan.

Please vote no on this misguided proposal.

Thank you for your thoughtful consideration, Candice Davis

Date: March 25, 2013

To: Dr. Bruce Liese, Chair, Lawrence/Douglas County Planning Commission

From: Laura Routh, Chair, Lawrence Association of Neighborhoods (LAN)

RE: TA-12-00206 Text Amendment to the Land Development Code - Eliminating Requirement That development projects are required to comply with the Comprehensive Plan

LAN objects to Text Amendment 12-00206, which directs that the Planning Commission and the City drop the current requirement that development plans comply with our community's comprehensive plan. We request that the Planning Commission reject the proposed text amendment, for the following reasons:

1. **Negative Impact:** This change to the land development code is significant, deleterious, and we believe it will negatively impact our community's ability to engage in transparent and rational land use planning.

We concur with Staff's assessment that *"The proposed text change could also be seen as a decision to downgrade the community vision and fabric of the plan, and discount the time and effort the community has put into the development of Horizon 2020, adopted future land use plans and other documents based on the comprehensive plan. Removing the requirement could also reduce the certainty and predictability the plan provides to citizens and property owners making improvements in the community."*

The land development code serves as the foundation for all project review. Eliminating the requirement that projects adhere to our comprehensive plan removes crucial public documentation of the planning process, and thus fails the test of due diligence. This change would have long-term and negative effects on our community's planning processes.

2. **Inadequate justification:** Staff has not adequately demonstrated the need for this proposed text amendment. While the planning director cites the benefits of this text amendment as "streamlining" and making the development process more "business friendly", neither claim is substantiated with any objective research or data.
3. **Lack of procedural transparency:** This text amendment was initially proposed by a select group of people, largely representing development interests. The initial meetings held on this matter occurred without public notice, and did not include the participation or consent of neighborhood and community groups. The process by which this text amendment was brought forth is inherently flawed, thus the amendment should be rejected. Should there be any future consideration of this amendment, the process must include public review and engagement from the outset.



LEAGUE OF WOMEN VOTERS®
OF LAWRENCE/DOUGLAS COUNTY

March 25, 2013

(via email)

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Melinda Henderson

President-Elect
David Burress

Vice President
Milton Scott

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James Dunn

Sally Hayden

Cille King

Ruth Lichtwardt

Marlene Merrill

To: Dr. Bruce Liese, Chair, Lawrence/Douglas County Planning Commission
Lawrence/Douglas County Planning Commissioners

CC: Scott McCullough, Director, Planning and Development Services

Re: Item 7. TA-12-00206: Consider Text Amendments to the City of Lawrence Land Development Code, Chapter 20, various articles, to change the requirement that development projects be required to comply with Horizon 2020. Initiated by City Commission on 8/21/12.

Dear Dr. Liese and Planning Commissioners:

The LWV requests rejection of the text amendment proposed to eliminate requirements that development plans comply with the comprehensive plan. This amendment was scheduled for consideration under the rubric of "streamlining" the approval process.

"Streamlining" the approval process is a valid goal that can improve social efficiency. However, it must be weighed against other goals, and especially against the purposes of the regulatory process.

Dropping the requirement that development plans comply with the comprehensive plan would have substantially negative effects. Four considerations are relevant.

1. Absence of need. The staff reports cites "streamlining" and "business friendly" regulation but documents no concrete need whatsoever for any change. Contrary to claims made by some, Lawrence already has an exceptionally rapid and business friendly approval process. This has been studied formally by the Bloch School of Business and the Society of Industrial Realtors for communities in the vicinity of Kansas City. In 2010 Lawrence scored second best out of 16 communities in both speed of approval and in permitting costs. In 2012 out of 17 communities Lawrence was third best in speed and second best in costs. (This report was Misc Item #3 in your February 27, 2013, meeting packet material and can be found here http://www.lawrenceks.org/planning/documents/PC13/Feb_Misc3.pdf)

2. Absence of any streamlining effect. Assuming city staff and PC continue to perform their work with due diligence, the proposed change in law is very unlikely to have any effect on speed of approval. In particular, Kansas state law (KSA 12-757(a) and (c)) plus many court decisions in Kansas and elsewhere are clear that, in order to be "reasonable" and hence valid, regulatory actions need to be in general compliance with the comprehensive plan, whether or not that test is written into the development code. Consequently city planning decisions may be unsustainable against lawsuits unless code administration has complied with the comprehensive plan. Hence, due diligence by city staff and Planning Commission requires a review of compliance with the comprehensive plan, whether or not that review is written into the code.

LEAGUE OF WOMEN VOTERS®
OF LAWRENCE/DOUGLAS COUNTY
Page 2

Moreover, quite independently of legal implications, such a review is also morally required if the city has any good faith intent of complying with a comprehensive plan the citizens of Lawrence and Douglas County helped craft at the cost of a rather considerable community-wide effort.

3. Loss of transparency. Assuming due diligence, removing the requirement from the code should not actually change the process, but does remove public notification that review for compliance with the comprehensive plan is part of the process.

4. Possible damage. As such, lack of public documentation of the review process also invites errors into the process. If the city fails to do its due diligence, it loses regulatory power and purpose.

Compliance with the plan is not a mere pro forma procedural matter. Instead it has important implications for community well-being and aggregate wealth. In particular, it prevents arbitrary decision-making, thereby allowing predictability. It also promotes connectivity in structure and function; compatibility in land uses; efficiency in function; economy; fairness between users of land; preservation of the environment and history; and public confidence in the future. Ignoring or downplaying these weighty concerns in pursuit of an unneeded, unexplained, and illusory “streamlining” can have no intelligible public policy basis.

Therefore, League asks you to direct staff to take no further action on this issue. Please do not waste any more of staff's time on this issue. Should you decide otherwise, please direct staff to start the process anew and publicize the opportunity for all interested community members to be included in the discussions.

Thank you for your consideration of our concerns.

Sincerely,



Melinda Henderson, President
League of Women Voters of Lawrence/Douglas County



LEAGUE OF WOMEN VOTERS®
OF LAWRENCE/DOUGLAS COUNTY

March 25, 2013

(via email)

President
Melinda Henderson

President-Elect
David Burress

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James Dunn

Sally Hayden

Cille King

Ruth Lichtwardt

Marlene Merrill

To: Dr. Bruce Liese, Chair, Lawrence/Douglas County Planning Commission
Lawrence/Douglas County Planning Commissioners

CC: Scott McCullough, Director, Planning and Development Services
David Corliss, City Manager
Mayor Bob Schumm
Lawrence City Commissioners

Re: Item 7. TA-12-00206: Consider Text Amendments to the City of Lawrence Land Development Code, Chapter 20, various articles, to change the requirement that development projects be required to comply with Horizon 2020. Initiated by City Commission on 8/21/12.

Dear Dr. Liese and Planning Commissioners:

Attached, for your review, is an email exchange I had with Scott McCullough regarding input provided to staff re: suggested text amendment changes to the Land Development Code, specifically TA-12-00206, on which we have written a separate letter about our specific concerns.

As you can see, a very select group of citizens was asked to participate in providing input on these suggested changes. We understand that perspective from the development community is important; however, is it so important as to exclude other community members who express interest in and concern with our development process? League says no. Especially when discussions in 2009 about less intensive changes to the Land Development Code included a broader cross-section of the community.

Additionally, it is not clear exactly when or how the City Commission directed Mr. McCullough to pursue these changes, other than the pro forma text amendment initiation on August 21, 2012, as I have not been able to find documentation to that effect and have not received a response from Mr. McCullough addressing that issue. There was certainly no discussion at the City Commission meeting that meetings in May and August of 2012 had already occurred.

March 10-16, 2013, was National Sunshine Week. While the meetings in 2012 most likely do not violate the Kansas Open Meetings Act, they certainly violate the spirit of transparency and openness as highlighted in the Sunshine Week proclamation (attached) League received from the City Commission; specifically:

WHEREAS, every citizen in our participatory democracy has an inherent right to access to government meetings and public records; and

WHEREAS, an open and accessible government is vital to establishing and maintaining the people's trust and confidence in their government and in the government's ability to effectively serve its citizens; and

WHEREAS, the protection of every person's right of access to public records and government meetings is a high priority of the Lawrence City Commission, and

WHEREAS, the City Commission is committed to openness and transparency in all aspects of its operations and seeks to set a standard in this regard;

Mr. McCullough's email also states that there is no correspondence regarding this item. Is there any documentation at all from these meetings? The staff report does not justify making these changes other than indicating that removing the Comprehensive Plan language from the Land Development Code would streamline the process, thus making it more "development friendly." If this is, indeed, the reason behind this proposed amendment, staff should provide significant documentation to back up this claim. I attended the Planning Commission orientation last July and clearly remember Mr. McCullough addressing the "business-unfriendly" issue and it is my recollection that he stated at that time that Lawrence was neither more nor less "business-unfriendly" than surrounding communities.

The staff report does mention the time and effort put forth by the entire community developing Horizon 2020 and associated planning documents. You cannot be so "developer-friendly" that you harm the entire community in the process.

Therefore, at this time, we ask you to direct staff to take no further action on this issue. Please do not waste any more of staff's time on this issue. Should you decide otherwise, please direct staff to start the process anew and publicize the opportunity for all interested community members to be included in the discussions. Please...no more secret meetings that leave a taint on the process.

Thank you.

Sincerely,



Melinda Henderson, President
League of Women Voters of Lawrence/Douglas County

Attachments: Email exchange with Scott McCullough
Proclamation from City Commission

Attachment #1: Email exchange with Scott McCullough:

----- Original Message -----

Subject:TA-12-00206 TEXT AMENDMENT TO THE LAND DEVELOPMENT CODE; DEVELOPMENT PROJECTS REQUIRED TO COMPLY WITH H2020

Date:Thu, 21 Mar 2013 13:04:41 -0500

From:Melinda Henderson, LWV L/DC President <melinlwv@gmail.com>

Reply-To:melinlwv@gmail.com

To:Scott McCullough <smccullough@lawrenceks.org>

CC:Bruce Liese <bruce@kansascitysailing.com>, David Burress <d-burress@ku.edu>

Hi Scott:

I met with Michelle Leininger yesterday to go over some questions I had after reviewing the staff report for this item and she was very helpful in answering them. However, there was one question she couldn't answer and referred me to you. You were in a meeting, otherwise I would have visited with you about this yesterday.

From your memo to Dave Corliss, dated August 13, 2012, the second paragraph reads:

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.

My question to Michelle was who were the stakeholders involved with the most current (7) Text Amendment suggestions, especially this one. She could not provide names, only that members of the development community had met with you over time last year and this was the result. Would you please provide me with the names of everyone who provided input to this particular text amendment? In the spirit of transparency, if you could also provide, via email, any electronic correspondence over the past year relating to this item, League would be most appreciative. Please advise if you require an Open Records Request for this information. Thank you very much for your help with this.

Regards,

--

Melinda Henderson, President

LWV Lawrence/Douglas County (Kansas)

Like us on Facebook! www.facebook.com/lwvldc

Follow us on Twitter! www.twitter.com/lwvldc

Visit our website: www.lawrenceleague.com

- - -

From: Melinda Henderson, LWV L/DC President [mailto:melinlwv@gmail.com]

Sent: Friday, March 22, 2013 2:01 PM

To: Scott McCullough

Subject: Re: TA-12-00206 TEXT AMENDMENT TO THE LAND DEVELOPMENT CODE; DEVELOPMENT PROJECTS REQUIRED TO COMPLY WITH H2020

Hi again, Scott:

I'm working on preparing materials for the League's Land Use Committee meeting tomorrow and need to know if you'll be able to provide any kind of response to my requests below by close of business today. Thank you.

Melinda

On Fri, Mar 22, 2013 at 2:57 PM, Scott McCullough <smccullough@lawrenceks.org> wrote:

Melinda,

Sorry for my delayed response.

The set of text amendments being considered currently is the culmination of staff's review of the code to determine if standards could be revised to be more efficient for the development process while maintaining the value of the standards under consideration. This was requested of me by the City Commission. In reviewing the code, we took into account the process challenges we observed in our site planning process (lighting and parking lot screening, for example), discussions the Planning Commission was having (the link between H2020 and rezonings when the Bauer Farms Lowes case was processed, for example), as well as discussions we had last spring and summer with a group of development representatives to gain their perspective on process challenges.

The group that convened to discuss process issues in May and July last year included the following:

Me

Hugh Carter

David Corliss

Philip Ciesielski, Utilities

Paul Werner

Hank Booth

Dean Grob

Brad Finkeldei

Matt Gough

CL Maurer

There really was no correspondence except for the memo provided to the City Commission after staff reviewed the code. Please let me know of any questions.

Scott McCullough, *Director* - smccullough@lawrenceks.org

- - -

Subject:Re: TA-12-00206 TEXT AMENDMENT TO THE LAND DEVELOPMENT CODE; DEVELOPMENT PROJECTS REQUIRED TO COMPLY WITH H2020

Date:Fri, 22 Mar 2013 15:01:41 -0500

From:Melinda Henderson [<melinlwv@gmail.com>](mailto:melinlwv@gmail.com)

To:Scott McCullough [<smccullough@lawrenceks.org>](mailto:smccullough@lawrenceks.org)

Thanks, Scott. When did the City Commission request that you review the code?

Attachment #2: Proclamation from City Commission commemorating Sunshine Week:

WHEREAS, James Madison, the father of our federal Constitution, wrote that “consent of the governed” requires that the people be able to “arm themselves with the power which knowledge gives,” and

WHEREAS, every citizen in our participatory democracy has an inherent right to access to government meetings and public records; and

WHEREAS, an open and accessible government is vital to establishing and maintaining the people’s trust and confidence in their government and in the government’s ability to effectively serve its citizens; and

WHEREAS, the protection of every person’s right of access to public records and government meetings is a high priority of the Lawrence City Commission, and

WHEREAS, the City Commission is committed to openness and transparency in all aspects of its operations and seeks to set a standard in this regard;

NOW, THEREFORE, I, Robert J. Schumm, Mayor of the City of Lawrence, Kansas, do hereby proclaim March 10-16, 2013 as

“SUNSHINE WEEK”

in the City of Lawrence and commit throughout the year to work diligently to enhance the public’s access to government records and information, to increase information provided electronically and online, and to ensure that all meetings of deliberative bodies under its jurisdiction, and their committees, are fully noticed and open to the public.

/s/

Robert J. Schumm, Mayor

March 12, 2013

----- Forwarded message -----

From: **Chad Lamer** <chadlamer@gmail.com>

Date: Sun, Mar 17, 2013 at 3:07 PM

Subject: Re: Horizon 2020

To: bebeeh@aol.com

Cc: Sheila Stogsdill <sstogsdill@lawrenceks.org>

Elizabeth:

Thank you for the email and I will forward your concerns to the other commissioners.

Sincerely,

Chad Lamer

On Fri, Mar 15, 2013 at 8:42 PM, <bebeeh@aol.com> wrote:

Please vote against changing Horizon 2020 to protect the water shed as well

Respectfully,

Elizabeth Hatchett