

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.*

STAFF PRESENTATION

Ms. Michelle Leininger presented the item.

Commissioner von Achen inquired about what the options were.

Mr. McCullough said staff had not provided any language that would make the changes that Ms. Leininger noted in the different articles of the Development Code that would be needed. He said one option would be to direct staff to draft that specific language and bring it back for their consideration. He said another option would be to recommend that the item be denied and send it to the City Commission for final determination or further consideration. He said they could also direct staff to provide more information and defer it.

Commissioner Liese asked how it would change for staff and the community.

Mr. McCullough said it could be viewed as the teeth of the Comprehensive Plan. He said it would still need to be evaluated. He said not every community requires plan amendments.

Commissioner Liese asked if it was overly burdensome to developers.

Mr. McCullough said with the type of cases they were talking about it was not overly burdensome. He said it was part of major development projects.

Commissioner Liese asked for an example of something that would have been impacted.

Mr. McCullough gave examples such as the proposed Walgreens at Inverness and Crossgate, the Bauer Farm Lowe's proposal, the CC600 proposal, the North Mass Development, and the pending Menards project.

Ms. Leininger showed a list on the overhead.

Commissioner Liese asked if they rezoned something and if it wasn't consistent with the Comprehensive Plan what would happen.

Mr. McCullough said if it was rezoned today it would be not compliant with the Code. He said if the Code was changed to strike the language that required it it would be consistent with State Law. He said the Comprehensive Plan was a guide and that the Golden Factors were one factor to consider.

Commissioner Liese asked if it was unusual for the City Commission to ask Planning Commission to consider.

Mr. McCullough said many of the text amendments have maintained the value of certain standards but may have lessened the time or cost to get through the development process. He said the City Commission wasn't direct in its processing of the text amendment, they wanted the issue considered for its value in the development process.

Commissioner Liese asked if it was law that Douglas County have a Comprehensive Plan.

Mr. McCullough said yes, when there are Subdivision Regulations there also needs to be a Comprehensive Plan.

PUBLIC HEARING

Ms. Paula Martin, lives in West Hills Neighborhood, wondered why they would want to do this and said it seemed like they were going backwards and putting the cart before the horse. She said there had been a long history of reliance and predictability with the Comprehensive Plan. She wondered how this protected the neighborhoods. She felt the Golden Factors were subjective and that the Comprehensive Plan was objective. She said she was also speaking on behalf of Homes Association members Pam Underwood and Robert Lewis.

Ms. Laura Routh, Lawrence Association of Neighborhoods, felt the text amendment would limit the ability and access of community members to affect the process. She felt it would encourage spot and incremental zoning. She asked that Planning Commission reject the proposal.

Mr. Richard Heckler supported comments made by previous two speakers. He felt it bordered on a laissez-faire type of approach to planning and felt it would impact quality of life. He said taxpayers prefer clear documents. He said this was only one request to eliminate guidelines and he wondered where it would stop.

Ms. Jeanne Pees, Sunset Hill Neighborhood Association, said Horizon 2020 made their neighborhood predictable.

Ms. Melinda Henderson, League of Women Voters, expressed concern about transparency. She felt they needed more time for input if Planning Commission directed staff to continue. She said predictability was important for everyone and that the Comprehensive Plan Amendment was an opportunity to let the community speak to issues. She said she would prefer the Comprehensive Plan Amendment be separated from the zoning to allow time for notice. She wondered how the hierarchy of plans would be affected.

Mr. Ted Boyle, North Lawrence Improvement Association, said he helped draft Horizon 2020 and a lot of time was spent drafting the document. He felt there needed to be more public input with this request. He said developers with the North Mass project approached to the neighborhood association four years ago with their plans and continually provide monthly updates. He said the amendments currently work well because they allow more time for input.

Mr. Dan Dannenberg, Sunset Hills Neighborhood Association, said the Comprehensive Plan needed to be held as a controlling document and did not need to change. He said there was a 6-plex on University Drive that was allowed through spot zoning. He felt they needed a Comprehensive Plan that was followed and could be complied with by both developers and the community. He wondered what would happen without a Comprehensive Plan. He did not want his neighborhood to become the Oread neighborhood.

Ms. Lisa Harris said the Comprehensive Plan was a basis for planning decisions. She said the Comprehensive Plan was based on research, addressed fiduciary responsibility, and developed and implemented a vision for a livable community. She felt predictability was important and community members rely on the plan. She felt an annual review of the Comprehensive Plan should take a bigger picture look and review how they were doing in reaching the vision with the plan, what challenges there were in implementing it, and what circumstances might suggest they should change the vision.

COMMISSION DISCUSSION

Commissioner von Achen asked what would happen to the environmental protections in Horizon 2020.

Mr. McCullough said that would not go away, Horizon 2020 would remain active. He said some of the policies of Horizon 2020 were action steps, some were used to review development proposals against, and some helped create policy and code. He said the Comprehensive Plan sets up policies that often time become code. He said a lot of environmental protections supported by the Comprehensive Plan policies were part of the Development Code that they would need to comply with anyway.

Commissioner Lamer said he had some misgivings about this proposed text amendment. He said one of the most important things was the time of community members who spent working on Horizon 2020. He felt they would be taking a step backward by doing this. He felt it was important for developers to have certainty too and that uncertainty in the process could cause developers grief.

Commissioner Blaser agreed with Commissioner Lamer. He did not see a reason to make this change. He said there were a lot of resources and time spent on Horizon 2020.

Commissioner Culver said it was difficult at this time to see the defined need to remove the restriction. He said predictability and certainty were good for all parties. He said the process of Comprehensive Plan Amendments was not overwhelmingly burdensome. He felt the time and effort spent by citizens in developing the plan would be diminished by removing the restriction. He did not feel there was a compelling reason to do this. He said they may want to look into the annual review process and take the opportunity to look forward and be proactive.

Commissioner von Achen said she was stunned to even see this in the Planning Commission packet. She said everything good about development in Lawrence could be traced to Horizon 2020. She felt that without high standards no one would want to develop which would not really be business friendly. She felt it should remain as is.

Commissioner Britton said he could see both sides of the issue but also shared some of the concerns heard tonight. He felt they shouldn't fix something that wasn't broken.

Commissioner Hird said studying and amending the plan from time to time was a healthy exercise. He said there were lots of changes that could be made to the Development Code to make Lawrence more business friendly. He said this was a real sea change fundamentally in the legal requirements for this process. He said it was uncoupling Horizon 2020 as a basis and making it more of a guide. He felt it was an unhealthy direction, given the alternatives. He said compliance wasn't etched in stone and they had made exceptions with text amendments to change it. He said he was hesitant to move forward with this text amendment at this time.

Commissioner Liese said research showed Lawrence was no more difficult to develop in than many other communities.

ACTION TAKEN

Motioned by Commissioner Britton, seconded by Commissioner Lamer, to receive the staff report and forward to the City Commission with a recommendation of denial.

Motion carried 8-0.