

NEIGHBORHOOD REVITALIZATION PLAN  
For 826<sup>1</sup> Pennsylvania Street  
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**Purpose and Factual Findings**

This plan is intended to promote the revitalization of the area of the City of Lawrence, Kansas (the City) through the rehabilitation, conservation, or redevelopment of the area to protect the public health, safety, or welfare of the residents of the City. More specifically, a tax rebate incentive will be available for certain improvements within the area. The improvements will include the rehabilitation of the existing building to accommodate a restaurant, office, and brewery/manufacturing space on the first floor and include a two story vertical addition to accommodate apartments.

In accordance with the provisions of K.S.A. 12-17, 114 et seq., the Lawrence City Commission has held a public hearing and considered the existing conditions and alternatives with respect to the designated Area, the criteria and standards for a tax rebate, and the necessity for interlocal cooperation among other taxing units. Accordingly, the City Commission has carefully reviewed, evaluated, and determined the Area meets one or more of the conditions to be designated as a "neighborhood revitalization area."

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<sup>1</sup> Area- used interchangeably with "Property", referring to the property located at 826 Pennsylvania Street (identified by the County and the City GIS system as 820 Pennsylvania Street), Lawrence, Douglas County, Kansas

**Part 1**  
**Legal Description of Neighborhood Revitalization Area**

Lot 3, 8th and Pennsylvania Neighborhood Redevelopment Addition No. 3, a Minor Subdivision Replat of Lots 1 and 2, Block "A" of 8th and Pennsylvania Neighborhood Redevelopment, in the City of Lawrence, Douglas County, Kansas

A map depicting the existing parcel of real estate is attached hereto as Exhibit A and incorporated into this Plan by reference as if fully set forth herein.

**Part 2**  
**Assessed Valuation of Real Property**

The assessed valuation of the real estate contained in the Area is listed as follows for the parcel, for land and building value separately:

2016 Tax Information						
Property Address	Appraised			Assessed		
	Land	Improvements	Total	Land	Improvements	Total
820 Pennsylvania Street	\$ 89,760	\$ 241,440	\$ 331,200	\$ 22,440	\$ 60,360	\$ 82,800
Total	\$ 89,760	\$ 241,440	\$ 331,200	\$ 22,440	\$ 60,360	\$ 82,800

**Part 3**  
**Listing of Owners of Record in Area**

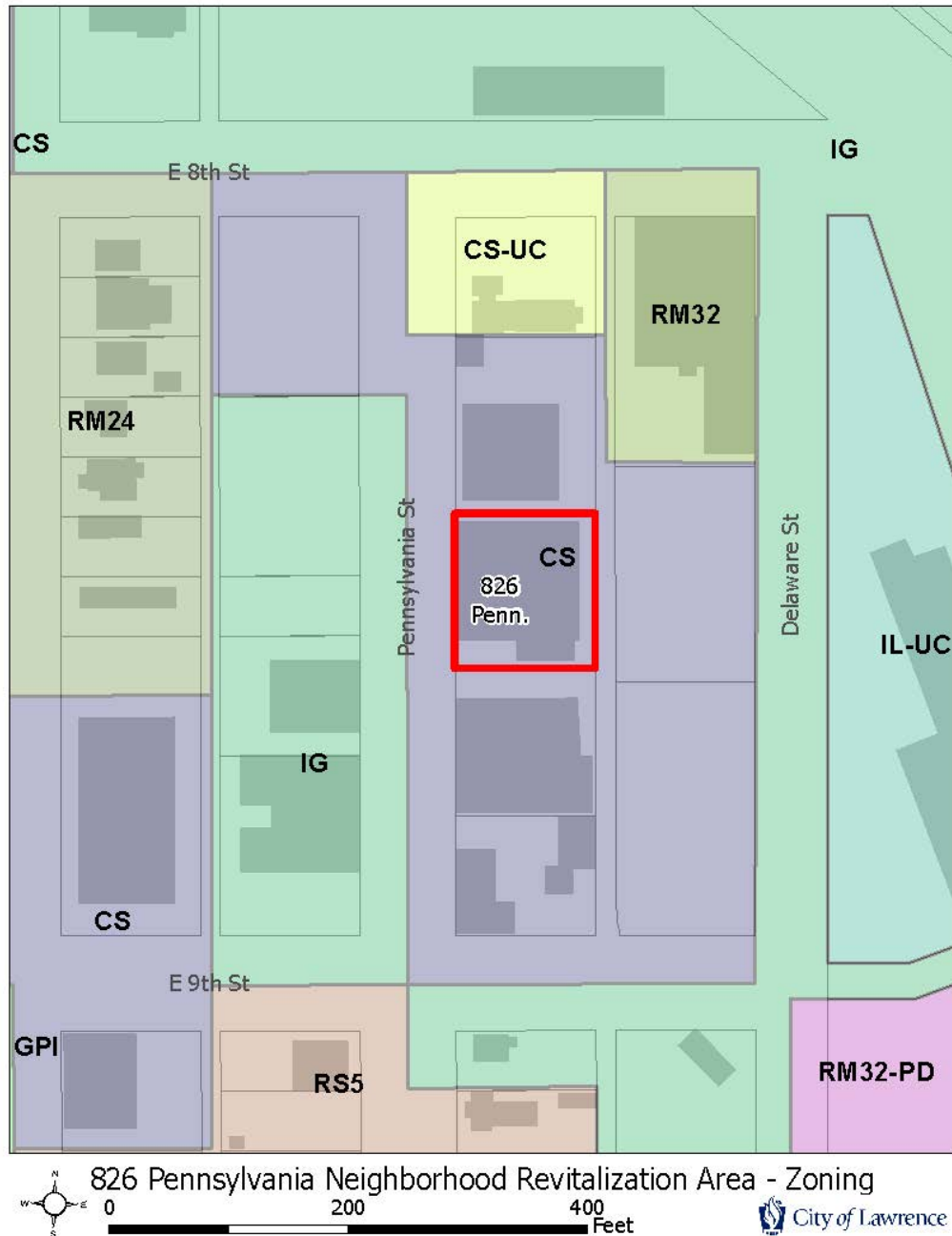
A list of name(s) and address(es) of the Owner(s) of record of the parcel of real estate within the Area:

Williams Management, LLC  
826 Pennsylvania Street  
Lawrence, Kansas 66049

**Part 4**  
**Existing Zoning Classification Boundaries**  
**& Existing and Proposed Land Uses**

**A. Existing Zoning Classifications and Boundaries**

The existing zoning classification of the Area is CS, Commercial Strip District. The existing zoning classification boundaries are depicted in the map below:



## **B. Existing and Proposed Land Uses**

826 Pennsylvania, known as the SeedCo Building, was historically used for manufacturing and warehouse uses but has been vacant for several years. The use of the basement is limited to storage that is accessory to the other uses on the site, as the basement does not have suitable access for other uses. The building originally had two stories, but it was damaged by a fire and was rebuilt as one and a-half stories. The site plan proposes an addition to the building to three stories. The first floor will house a brewery, restaurant and office space. The second and third stories will contain apartments (Nine (9) one-bedroom units and five (5) two-bedroom units).

The Brewery could be classified as a Brewpub or Manufacturing and Production, Limited, depending on the scale of the project. A Brewpub as defined in Section 20-1724 of the Development Code is limited to the manufacture of up to 5,000 barrels of fermented malt beverages per year. If the brewery produces more than 5,000 barrels a year the use would be classified as Manufacturing and Production, Limited as defined in Section 20-1739(3) of the Development Code. The difference between the two uses is primarily a matter of scale. The brewery may be approved with the site plan as a Brewpub. If the use expands to the point it no longer complies with the definition of a Brewpub it would be necessary to seek approval of the use as Manufacturing and Production, Limited through a Special Use Permit. This is noted on the plan.

### **Part 5 Capital Improvement Planned for the Area**

The Area will, for the most part, be served by existing municipal services.

**Transportation** – the Area will have access to the City's transit system.

**Water and sewage systems** – the Area will connect to City water, wastewater and storm water systems.

**Refuse collection** – the Area will be served by existing City refuse and recycling services.

**Road and street maintenance** – the Area is adjacent to existing Pennsylvania Street. Pennsylvania Street will be maintained as part of the City's regular street maintenance system. The property Owner(s) will be responsible for sidewalk maintenance in accordance with state law.

**Park and recreation facilities** – the Area will be served by existing parks and recreation facilities.

**Police and fire protection** – existing police and fire and medical services will serve the Area.

**Part 6**  
**Property Eligible for a Tax Rebate**

The Area is comprised of one building (to be redeveloped) and one parcel of real estate. Accordingly, rehabilitation, alterations, and additions to the existing structure and the land in the Area are eligible for the tax rebate.

**Part 7**  
**Criteria for Determination of Eligibility**

The Area consists of one parcel of real estate with an existing one-level building with basement that will be redeveloped by Williams Management, LLC, adding two additional floors and converting the property into mixed use commercial and residential space. In order to be eligible for the NRA rebate, Williams Management, LLC shall pull a building permit for the Project in the Area within one year of the effective date of the Ordinance designating the NRA Area, and shall complete the Project within two years of said Ordinance's effective date.

**Part 8**  
**Contents of Annual Application for Tax Rebate**

The annual application for a tax rebate shall contain the following general information

1. Owner's Name
2. Owner's Mailing Address
3. Owner's Email Address (if one is available)
4. Owner's Day Phone Number
5. Address of Property
6. Legal Description of Property
7. Parcel Identification Number
8. Tax year for which the NRA rebate is being requested.
9. Receipt showing all taxes and special assessments have been paid in full for the applicable tax year.
10. Documentation showing compliance with affordable housing requirements as set forth in Section 10.
11. The signature and date of the Owner confirming the accuracy and validity of the annual application for tax rebate.

The Annual Application for Tax Rebate is attached hereto as Exhibit B, and incorporated herein by reference.

**Part 9**  
**Procedure for Submission of an Application**

Owner(s) seeking a tax rebate shall annually complete the form, Exhibit B. The Annual Application for Tax Rebate, and supporting compliance documentation, shall be submitted to the City's Economic Development Coordinator.

**Part 10**  
**Standards and Criteria for Review and Approval**  
**Annual Application for Tax Rebate**

1. The property in which a rebate is requested shall conform with all applicable federal, state, and city laws, codes, and regulations in effect at the time the improvements are made and shall remain in conformance with applicable laws, codes, and regulations for the duration of the rebate period or the rebate may be terminated.
2. The Owner(s) shall comply with the Affordable Housing Requirements as set forth in this paragraph, and shall remain in conformance therewith for the duration of the rebate period or its rebate may be terminated. Owner(s) shall timely provide the City with any information or records reasonably requested by City to document compliance with this provision to the City's satisfaction.

**Affordable Housing Requirements:**

- A. Agreement to Maintain Units As Affordable for 30 Years Owner agrees to enter into and maintain an agreement with City during and beyond the Rebate Period as set forth in this Plan. In said Agreement, Owner shall agree to comply with the Affordable Housing Requirements in Part 10, Paragraph 2.B. for thirty years after the date a Certificate of Occupancy is issued for the residential units. Said Agreement shall be recorded with the Douglas County Register of Deeds.
- B. Annual Certification of Affordability of Two Residential Units. The Owner shall annually certify to the City the affordability of its residential units in a manner acceptable to the City.

Two, One-Bedroom Residential Units in the Project Area shall meet the following criteria:

<u>Income Eligibility</u>	<u>Maximum Rent</u>	<u>Utilities</u>	<u>Duration</u>
60% or less MFI*	LIHTC Max. Rent**	Included	30 years

\*Income eligibility limits of Median Family Income (MFI) and maximum LIHTC rent to be charged per one bedroom unit as determined annually for the Lawrence, KS MSA by The Kansas Housing Resources Corporation and shown on the *Maximum Income and Rents to Qualify Units as Low Income for Low Income Housing Tax Credit Program* for the most recently available year.

The Owner(s) is volunteering to hold the affordable housing units to the above standard over a thirty (30) year period. Compliance with affordable housing requirements after the Rebate Period will be confirmed in accordance with the Agreement referenced in Part 10, Paragraph 2.A. of this Plan.

3. Any property that is delinquent in any tax payment or special assessment shall not be eligible for a rebate until such time as all taxes and assessments have been paid in full. Any taxes paid under protest for an eligible property will suspend the rebate until the

protest has been resolved. If the Owner(s) of an eligible property appeals the appraised value of its property, no rebate will be made until the appeal is finalized.

4. Following establishment of the increase in assessed value resulting from a specific improvement, the fixed rebate percentage shall be applied to any change in assessed value or mill levy during subsequent years. See Part 11.
5. The City's Economic Development Coordinator, or his or her designee, shall have the authority and discretion to approve or reject annual rebate applications based on eligibility standards and review criteria contained herein. If an applicant is dissatisfied with the decision, a written appeal may be submitted to the City Commission for final determination. Such written appeal must be filed within 30 days after the Economic Development Coordinator's decision.

## Part 11

### Statement Specifying Amount and Years of Eligibility of Rebate

The Owner(s), or the Owner(s)' assignee, provided the requirements of this Plan are satisfied, will be eligible for a property tax rebate as set forth in this Part 11.

**Program Period:** The NRA fund and tax rebate incentive program shall expire at the conclusion of the Rebate Period set forth below, unless earlier terminated pursuant to this Plan. The City, County, and School District may jointly agree to amend or modify the Plan as conditions, policies or priorities change, provided that no amendment or modification to the Plan which decreases the percentage Rebate Amount under this Plan or materially increases the Owner(s) obligations or duties under the Plan shall be effective without the Owner(s)'s prior written consent. If there is no tax increment generated for a specific property due to a diminution of assessed values, no tax rebate shall be provided for the Property. The Owner(s) shall receive at least thirty (30) days prior written notice of any proposed amendment or modification to the Plan.

**Rebate Period:** The NRA rebate period shall commence on the first full tax year after Project Completion. For the purposes of this Plan, it is understood and agreed that the Project Completion refers to the date when a Certificate of Occupancy is issued by the City for the Project and is filed with the County Appraiser by December 1<sup>st</sup>.

The NRA Rebate Period shall be 10 years, unless earlier terminated as provided in this Plan.

#### Rebate Amount:

Taxing Jurisdiction	Annual NRA Rebate Percentage	
	Commercial	Residential
City	50%	50%
County	85%	85%
USD 497	___%	___%

The owner of the property at the time the property taxes are paid in full will be eligible for a property tax rebate on the incremental taxes associated with improvements to the Property (the "tax increment"). The Tax Increment will equal the property tax assessment against the Property for the first year after the improvements are completed (i.e. determined including the value that such improvements add to the assessed value of the Property) reduced by the property tax assessed against the Property for the base year (the year this Plan is approved) (i.e. determined without the value that the improvements add to the assessed value of the Property). The Increment will be reassessed each year of the rebate program, based off the new appraisal value. Then the fixed rebate percentage set forth above shall be applied to any change in assessed value or mill levy during subsequent years for the rebate period, as outlined above.

Douglas County shall be entitled to an annual administrative fee of \$500 for each annual application filed by an Owner(s). The administrative fee shall be retained by the County from increment proceeds before making the rebate distribution to the City. .

**Timing of Annual Tax Rebate Payment:** Provided the Owner(s) is in conformance with this Plan, has submitted a complete Annual Application for Tax Rebate, and the Annual Application for Tax Rebate has been approved by the City's Economic Development Coordinator, or the City Commission, then upon payment of taxes by the Owner(s), the rebate shall be made within 30 days after the next distribution date by Douglas County, as specified in K.S.A. 12-1678a, and amendments thereto.

## **Part 12 Other Requirements**

1. This Plan and tax rebate program are subject to approval of each taxing unit (City Commission, Douglas County Commission, and USD 497). The participating taxing units will enter into a cooperative agreement concerning the implementation of this Plan and the payment of tax rebates.
2. The Developer shall submit a Property Construction Commencement form to the City, signed by the Douglas County Appraiser, before it commences any pre-construction or construction activities in the Area. The Property Construction Commencement form is attached hereto as Exhibit C, and incorporated herein by reference. The City acknowledges and agrees that the Base Property Value shall be based upon the 2016 appraised value determined by the Douglas County Appraiser, as the same is verified on Exhibit C.
3. The Developer shall within 10 days of completing the Project submit to the City a Certificate of Project Completion, attached hereto as Exhibit D and incorporated herein by reference.
4. Construction or redevelopment activities must be located in the Area and begin after the effective date of the Ordinance establishing the Area, or after the Base Property Value Determination date, whichever occurs later, to be eligible for a rebate.



5. The City's obligation to rebate any increment in ad valorem property taxes under this Plan shall be limited to monies in the NRA fund. In no event shall the City be obligated to cover such rebates from other City funds.
6. Some improvements regardless of cost may not result in an increase in assessed value and thus would not make the property eligible for a property tax rebate. Such determinations will be made solely and independently by the Douglas County Appraiser's Office and the Douglas County Clerk.

The County Appraiser shall conduct an on-site appraisal as a part of the normal valuations following completion of the Improvements and determine the increase in the taxable valuation due to the Improvements. On or before December 1<sup>st</sup> of each calendar year, the City shall notify the County Appraiser, in writing, of each property in the Area for which Improvements have been completed so that the County Appraiser may conduct on-site inspections as a part of the normal valuations to determine the increase in taxable valuations due to the Improvements. The County Appraiser will notify the City and the County Clerk of the valuation.

7. If this Plan is repealed or the rebate criteria changed, any approved applications shall be eligible for rebates for the remaining Term of the rebate originally provided in the plan.
8. The Developer shall keep proper books of record and account, in which full and correct entries shall be made of all dealings or transactions of or in relation to the properties, business and affairs of the Developer related to the Project or this Plan in accordance with generally accepted accounting principles. At reasonable times and upon reasonable prior written notice, the Developer agrees to allow representatives and agents of the City or Douglas County to inspect all books and records, invoices and other financial information related to the NRA incentive.
9. To the extent either party determines that the other has failed to comply with any term of this Plan, such party shall provide written notice to the other party, and said party shall be provided thirty (30) days after the receipt of such notice to comply with the terms of this Plan."

## Exhibit A

A Map depicting existing parcels of real estate in Neighborhood Revitalization Area

### Pennsylvania Street NRA - Area Map





**Exhibit B**  
**Application for Annual NRA Rebate &**  
**Certification of Rebate of Increment**  
**in Ad Valorem Property Taxes**  
**Page 1**

*Please fill out the below application and submit along with a copy of all applicable tax payment receipts.*

Submit Application to: City of Lawrence, City Manager's Office,  
Attn: Economic Development  
6th East 6th Street, Lawrence, KS 66044

With a copy sent to: Douglas County, Kansas, Attn: Treasurer's Department  
1100 Massachusetts St., Lawrence, KS 66044

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**Project:** \_\_\_\_\_  
**Owner(s):** \_\_\_\_\_  
**Owner(s) Address:** \_\_\_\_\_  
**Parcel ID #:** \_\_\_\_\_  
**Property Legal Address:** \_\_\_\_\_

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**Annual Rebate Requested:** Rebate on property taxes levied in \_\_\_\_\_  
(Y/N) The Owner(s) has paid, at the time Application for Rebate is made, all real estate  
taxes levied against the Property on which the Project is located

**Please attach a copy of tax payment receipts for the**  
**calendar year in which the rebate is requested.**  
*(If applicable, also include payment receipts for any past due property taxes.)*

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**Application Prepared by:** \_\_\_\_\_  
**Title:** \_\_\_\_\_  
**Address:** \_\_\_\_\_  
**Email:** \_\_\_\_\_  
**Phone:** \_\_\_\_\_

The above information is correct, to the best of my knowledge.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

***Note: Rebates are given only after property taxes are paid in full.***

**Exhibit B**  
**Annual Application for Tax Rebate**  
**Page 2**

**CERTIFICATION**

The undersigned Owner (s) does hereby certify to the City of Lawrence, Kansas (the "City") that the following information is true and correct as of the date hereof:

1. The Owner(s) is in compliance with the terms of the Neighborhood Revitalization Act Plan for the Vermont Place NRA.
2. The Owner(s) is entitled to the rebate of the increment in ad valorem property taxes levied pursuant to the terms of the Neighborhood Revitalization Plan for the Vermont Place NRA in connection with the Project and the Neighborhood Revitalization Act.
3. The undersigned has reviewed the provisions of K.S.A. 21-6004 and understands the penalties thereunder.

Owner(s):

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

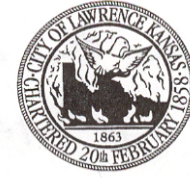
Title: \_\_\_\_\_

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

***Note: Rebates are given only after property taxes are paid in full.***



**Exhibit C**  
**Property Construction Commencement**

*The Owner(s) shall notify the City Manager and County Appraiser prior to commencement of project construction/redevelopment activities by submitting a signed copy of this form. The Owner(s) shall provide any information concerning the Project that may be helpful to the County Appraiser in the valuation process.*

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Project: \_\_\_\_\_  
Parcel ID #: \_\_\_\_\_  
Property Legal Address: \_\_\_\_\_

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**To be Completed by the County Appraiser:**

Date of Appraisal: \_\_\_\_\_ Base Year: \_\_\_\_\_  
Assessed Valuation:      Land: \_\_\_\_\_  
   Improvements: \_\_\_\_\_  
   Total: \_\_\_\_\_  
County Appraiser Signature: \_\_\_\_\_ Date: \_\_\_\_\_

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**To be Completed by the Property Owner(s):**

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Title: \_\_\_\_\_  
Email: \_\_\_\_\_ Phone: \_\_\_\_\_  
Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Submit form to:      City of Lawrence, City Manager's Office, Attn: Economic Development  
                                 6th East 6th Street, Lawrence, KS 66044

With a copy sent to: Douglas County, Kansas, Attn: County Appraiser  
                                 1100 Massachusetts St., Lawrence, KS 66044



**Exhibit D**  
**Certification of Project Completion**

Please fill out the below certificate of completion and submit within 10 days of the conclusion of project construction.

Submit Application to: City of Lawrence, City Manager's Office,  
Attn: Economic Development  
6th East 6th Street, Lawrence, KS 66044

With a copy sent to: Douglas County, Kansas, Attn: Appraiser's Office  
1100 Massachusetts St., Lawrence, KS 66044

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**Project:**

Developer's Name: \_\_\_\_\_  
Developer's Address: \_\_\_\_\_  
Parcel ID #: \_\_\_\_\_  
Property Legal Address: \_\_\_\_\_

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**Contact Information:**

Company Contact(s): \_\_\_\_\_  
Contact Address: \_\_\_\_\_  
Contact Phone: \_\_\_\_\_  
Contact Email: \_\_\_\_\_

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**Property Information:**

Date of construction start (include copy of building permit receipt): \_\_\_\_\_  
Date of construction end (include copy of certificate of occupancy): \_\_\_\_\_  
Estimated cost of project improvements:  
    Land: \_\_\_\_\_  
    Building (include soft and hard costs): \_\_\_\_\_  
    Total Project Cost: \_\_\_\_\_

I certify that the above information is correct.

Owner's Signature \_\_\_\_\_ Date \_\_\_\_\_