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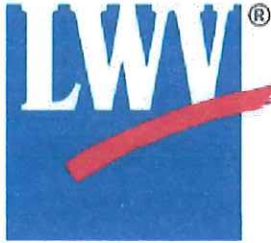
JUN 30 2014

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CITY MANAGERS OFFICE
LAWRENCE, KS

JUN 30 2014

City County Planning Office
Lawrence, Kansas



LEAGUE OF WOMEN VOTERS
OF LAWRENCE/DOUGLAS COUNTY

June 29, 2014

Hon. Mike Amyx, Mayor, and Lawrence City Commission
City Hall,
Lawrence, KS 66044

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RE: REGULAR AGENDA ITEM NO. 3: SITE PLAN FOR MENARDS'

Dear Mayor Amyx and City Commissioners:

The current appeal of the Site Plan for the Menards' Development brings to our attention what we perceive as ongoing problems with our city development approval process. Briefly, the steps in the approval process of developing a parcel of land in Lawrence, based on our Land Development Code, are supposed to follow certain sequential steps:

1. Once a parcel of land has been chosen to be developed, assuming it has the proper zoning district for its proposed use, it must meet the standards required by the Subdivision Regulations. If it does not, it must be platted or replatted.
2. The first step in the public process of platting is to submit a Preliminary Plat. Once the Preliminary Plat has been approved by the Planning Commission at a scheduled public meeting (not a hearing), if it meets the regulations, it is approved. (The following sequence does not include the financing of the development.)
3. The next step is to meet the regulations for a Final Plat. The Final Plat must conform to the Preliminary Plat. Also, the Final Plat must include plans for public streets, utilities, storm drainage, and any other easements or land that will be dedicated. Also, if there are conditions placed on the Preliminary Plat, the Final Plat must conform to these. It is assumed that when a Final Plat goes before the City Commission to accept public dedications and easements, that these conditions will also be known and will conform to those shown on the Preliminary Plat. We have seen Preliminary Plats and Final Plats go before the Planning Commission more than once in order for the two to conform to this provision in the Code. Once all of the requirements of the Final Plat have been met, then it must be recorded by the Register of Deeds in order for subdivision and/or development to proceed.

4. Following the Final Plat recordation, a Site Plan can then be reviewed and approved, and following that, a building permit can be issued. With the new Site Plan provisions in the Land Development Code, the Planning Director gives the Site Plan "Administrative Approval." If there are objections to the Site Plan, there is a brief window within which the public can protest, during which time a formal protest will take the Site Plan to a later public hearing before the City Commission. Following is the citation in the Land Development Code regarding the requirement of platting prior to site planning (please see next page):

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Land Development Code, 20-1305 SITE PLAN REVIEW:

(b) Applicability

In any Zoning District, except as expressly exempted below in Section 20-1305(c), an administratively reviewed and approved site plan shall be required for:

(3) Major Development Projects

(j) Approval Criteria

In order to be approved, a Site Plan shall comply with all of the following criteria:

(1) *the site plan shall contain only platted land;*

We are troubled by the current situation before you because there are two very clear deviations from this legal regulatory process:

1. The Site Plan has been given approval by the Planning Director before the Final Plat has been recorded with the Register of Deeds.
2. The Final Plat is not in conformance with the Preliminary Plat.

We are asking you to require that these deviant procedures be corrected. We believe most important is the need for the Final Plat to conform to the Preliminary Plat, and to create a public process in which the Final Plat approval be given public hearing status. Also important is the approval of the Site Plan only after the Final Plat is recorded in order to avoid discrepancies in dimensions and boundaries between the Site Plan and the recorded plat, among other problems.

We hope that you will find that our concerns have merit and will seriously consider our suggestions.

Sincerely yours,



Cille King, President



Alan Black, Chairman
Land Use Committee