

The William S. Burroughs Trust U/A 3-4-93, dba:
WILLIAM BURROUGHS COMMUNICATIONS
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May 17, 2006

Terry Riordan, Chair
Lawrence-Douglas County Planning Commission
City Hall
Lawrence KS 66044

re: PF-04-10-06 (Elsie Hemphill Addition, 19th & Learnard Ave.)

Dear Dr. Riordan and Planning Commissioners:

This letter is submitted at the request of half a dozen property owners (all of them home-owners) within the immediate vicinity of this proposed replat, and it urges you to consider several relevant factors not fully presented by Planning Staff in their Staff Report:

- 1) The proposed driveway to Lot 2 on East 19th St. (south side, east of Burroughs Creek) does not conform to the City's Access Management Guide (draft June 22, 2004).
- 2) The proposed driveway to Lot 3 on Learnard Avenue (east side, south of Burroughs Creek) lies within the City's Drainage Easement, within the required 10-foot Utility Easement, and adjacent to the 100-Year Floodplain, at that location—potentially in violation of relevant City or Federal codes.
- 3) All three Lots in the proposed subdivision lie within "Area 1" of the 250-foot historic environs of the Zinn-Burroughs House, which was certified as an historic City Landmark by the City Commission on June 17, 2004. Therefore no Site Plans may be approved, nor any Building Permits issued, until the Historic Resources Commission has reviewed any such future plans, and the HRC's recommendations have been publicly heard by the City Commission.

- 4) If the Zinn-Burroughs House were *already* listed on the State or Federal Historic Register, not even this present land subdivision could legally be considered by the Planning Commission, until after a Certified Local Government Review by the Historic Resources Commission. In 2005 the City's Historic Resources Administrator initiated the State and Federal historic-listing application process, which is still underway.

(Due to constraints on the Burroughs Estate's financial ability, the House remains mostly "unrestored" and "unpreserved," nine years after William S. Burroughs' death in 1997. But efforts to raise about \$250,000 in capital-improvements funding are presently being initiated, with support from the Lawrence Convention and Visitors Bureau, the Lawrence Preservation Alliance, and the Watkins Community History Museum—among others.)

- 5) As Stormwater Dept.'s notes indicate, the 100-Year Floodplain dimensions shown on the proposed Final Plat (as revised after the major "21st & Barker Stormwater Project" in 2003) are not yet certified by the Federal Emergency Management Agency—and until they are certified by FEMA, no Building Permits may be issued. The City's application for a Letter of Map Amendment (LOMA) for this floodway has not yet been adjudicated by FEMA, and the City will not receive a Letter of Final Determination for up to 58 months from now.

On behalf of an informal coalition of immediate neighbors of this site and homeowners on Learnard Avenue, and of many City-wide stakeholders in the future of the Zinn-Burroughs House, I respectfully request that you take these questions into consideration.

The fact is that, since 1938 when this land was first platted (at that time, it was still well outside the City Limits), the flood-runoff burden of this waterway has been increased at least *three- or four-fold*. This is due to the maturity of residential and commercial infill development over the last 60 years within the 150-acre drainage basin served by this waterway (the entire southwest quadrant of the Burroughs Creek watershed)—and, with it, the creation of enormous amounts of new impervious roof, parking and street areas of surface coverage.

The drainageway's overburden was caused not by the Hemphill family, nor by the Burroughs Estate, nor by this site's current neighbors—but it is an historical fact.

Also, as FEMA acknowledged in 2001, many forward-looking communities in the United States are now using “future-conditions hydrology” in the preparation of their flood-hazard maps and regulations. If we consider the melting of glaciers and ice-shelves (which the majority of climatologists now attribute to ongoing carbon-dioxide-based global warming since the 1970s), it seems reasonable to err on the side of caution when it comes to approving the construction of new residences immediately adjacent to FEMA’s (2001) regulatory floodplain.

Our argument can be summed up with this suggestion: This replat is premature, when one considers these relevant, but still unresolved, factors.

It should be approved (at this time) only as to Lot 2, with the existing single-family residence, so that Applicants may sell that home to a new owner—which the “For-Sale” sign in the yard at 1900 Learnard indicates they wish to do.

Respectfully submitted,

James W. Grauerholz
Trustee / Executor, Burroughs Estate

Attached:

- Appendix re. Access Management and Historic Environs
- Aerial photo of subject and nearby properties
- FEMA 2001 FIRM (before 2003 stormwater project)
- Burroughs Creek watershed map
- Environs map, Zinn-Burroughs House

APPENDIX

Functional classifications per Transportation 2025 and Major Thoroughfare Map (Feb. 17, 2006):

Learnard Avenue:	local street
East 19 th Street:	minor arterial

Access Management Guide, June 2004 draft; excerpts (emphasis added):

"No single-family residential driveway shall intersect an arterial [...] street."

"Streets or driveways shall have 500 feet minimum spacing on arterial streets."

Distances from proposed Lot 1 driveway to nearby driveways (approx.), and 2006 property ownerships:

432 E. 19 th St.	75 feet	Philip & Clara Hemphill
530 E. 19 th St.	75 feet	Mary Stous
537 E. 19 th St.	100 feet	Edward Rockhold
540 E. 19 th St.	175 feet	James & Martha O'Toole

"No driveway will be allowed within an intersection influence area."

Intersection influence area on an arterial, from local street:	400 feet.
Distance from Learnard Ave. to proposed Lot 1 driveway:	220 feet.

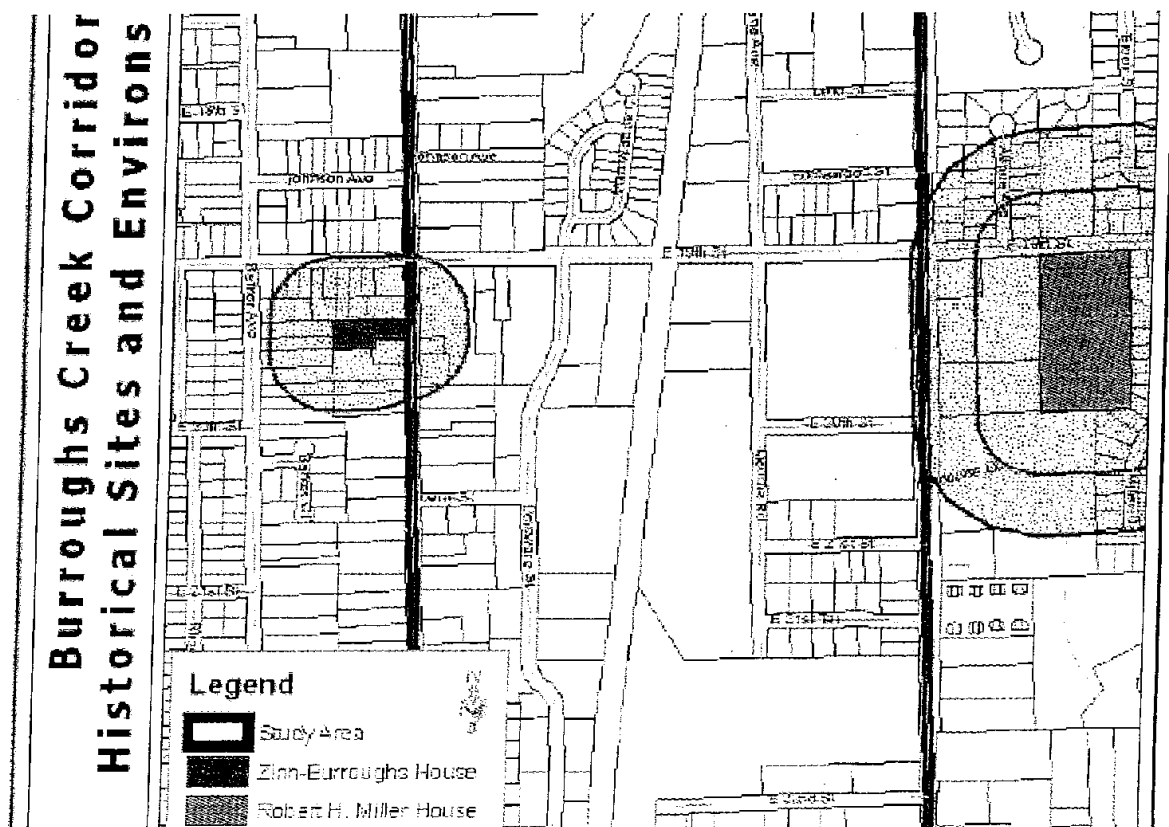
"These standards are applicable to new development. [...] Any existing property that applies for a new site plan *or replat* shall be required to comply with the criteria in the plan to the greatest extent possible."

June 21, 2005, Historic Resources staff memo to City:

"The Environs for the Zinn-Burroughs House at 1927 Learnard Avenue should be reviewed in the following manner. The Environs should be divided into two areas (see attached map) and the following standards applied to each of the two areas:"

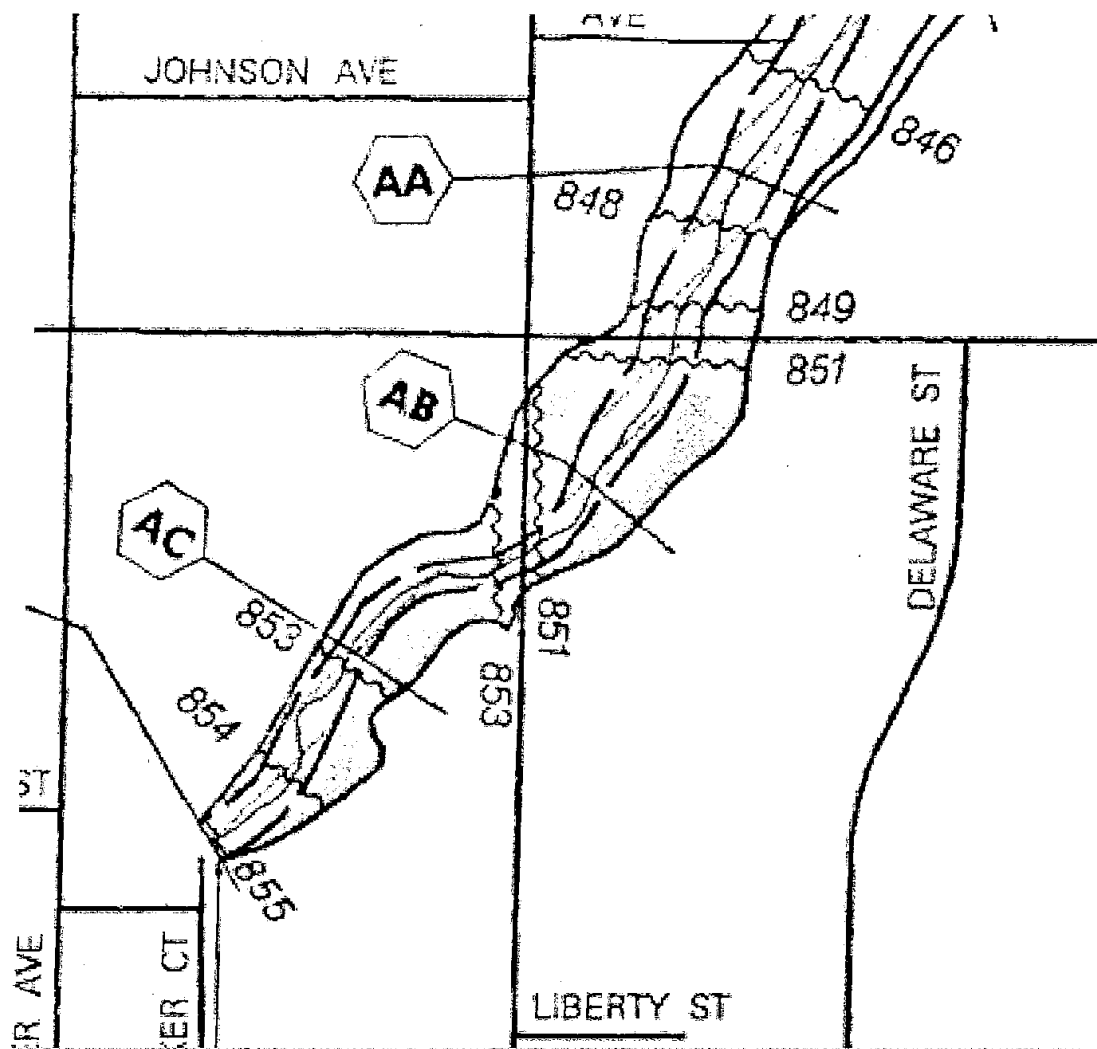
"Area 1: Maintaining the existing structures and visual appearance of the environs is the primary focus of review. [...]"

"Major projects (major additions, *new infill construction*, major alterations, roof changes, dormers, etc., to the front facing elevations) would be reviewed by the Historic Resources Commission. All design elements are important. The proposed alteration or construction should meet the intent of the Secretary of the Interior Standards for Rehabilitation, the Standards and Guidelines for Evaluating the Effect of Projects on Environs, and the Criteria set forth in [Lawrence Code Sec.] 22-505."

Burroughs Creek Corridor Plan, Nov. 16, 2005; map detail:

Aerial photograph of East 19th St. and Learnard Ave. region



FEMA Flood Rate Insurance Map, effective Nov. 7, 2001; detail, Panel 38:

(Note: this depicts the floodplain *before* the 2003 "21st & Barker Stormwater Project," however, it is the FIRM that remains in legal effect at this time.)

